## EXHIBIT 1

	Case 1:24-cv-00945-CFC-EGT	Document 192-1 Filed 10/24/25 Page 2 of 50 Pag  1 #: 13433	eID 2
1	IN THE UNITED STATES DISTRICT COURT	1 APPEARANCES CONTINUED:	
2	FOR THE DISTRICT OF DELAWARE	2	
3	BECKMAN COULTER, INC.,	3 WILMERHALE	
4	Plaintiff,	BY: OMAR KAHN, ESQ.  4 BY: JEFFREY DENNHARDT, ESQ.	
5	v. ) C.A. No. 24-945-0	5 Counsel for the Plaintiff	
6	CYTEK BIOSCIENCES, INC.,	6	
7	Defendant. )	7	
8	)	8 MORRIS NICHOLS ARSHT & TUNNELL	
9		BY: KAREN JACOBS, ESQ.	
LO	Thursday, August 21, 2025	10 -and-	
1	12:58 p.m. Markman Hearing	11 COOLEY LLP	
.2		BY: REUBEN CHEN, ESQ.  12 BY: ADAM PIVOVAR, ESQ.	
.3	844 King Street	BY: DUSTIN KNIGHT, ESQ.  13 BY: BETSY FLANAGAN, ESQ.	
4	Wilmington, Delaware	BY: ROSALYND UPTON, ESQ.	
5	BEFORE: THE HONORABLE COLM F. CONNOLLY	15 Counsel for the Defendant	
6	United States District Court Judge	16	
7		17	
.8	APPEARANCES:	18	
.9		19 PROCEEDINGS	
.9	RICHARDS, LAYTON & FINGER BY: CHRISTINE D. HAYNES, ESQ.	20	
21	BY: CHRISTINE D. HAYNES, ESQ. BY: FREDERICK L. COTTRELL III, ESQ.		ing at
	-and-		uny at
22		22 12:58 p.m.)	noa+a-1
23		23 THE COURT: Good afternoon. Please be	
24 25		24 MS. HAYNES: Good afternoon, Your Honor 25 Christine Haynes on behalf of the plaintiff, Beck	
		3	4
1	Coulter. With me from my office is Fred Cottrel		4
	Coulter. With me from my office is Fred Cottrel Also with me are my cocounsel, Omar F	1 So what we have on Slide 3 of the	
2	_	1 So what we have on Slide 3 of the Chan and 2 demonstratives, which I think we've handed up to	the
2	Also with me are my cocounsel, Omar F	1 So what we have on Slide 3 of the Chan and 2 demonstratives, which I think we've handed up to	the often
2 3 4	Also with me are my cocounsel, Omar E Jeffrey Dennhardt from Wilmer Hale, and from our	1 So what we have on Slide 3 of the Chan and 2 demonstratives, which I think we've handed up to client, 3 Court now, is sort of a conceptual drawing that's	the often ery
2 3 4 5	Also with me are my cocounsel, Omar F Jeffrey Dennhardt from Wilmer Hale, and from our Mony Ghose and Mike Levy.  THE COURT: All right. Thank you.  Ms. Jacobs.	1 So what we have on Slide 3 of the  Chan and 2 demonstratives, which I think we've handed up to  Client, 3 Court now, is sort of a conceptual drawing that's  depicted in textbooks or in treatises about the v  high-level conceptual operation of a flow cytomet  And, essentially, you have a laser cells passi	the often ery er. ng
2 3 4 5 6	Also with me are my cocounsel, Omar F Jeffrey Dennhardt from Wilmer Hale, and from our Mony Ghose and Mike Levy.  THE COURT: All right. Thank you.	1 So what we have on Slide 3 of the Chan and 2 demonstratives, which I think we've handed up to client, 3 Court now, is sort of a conceptual drawing that's depicted in textbooks or in treatises about the v high-level conceptual operation of a flow cytomet And, essentially, you have a laser cells passi through a flow cell, and then the laser is hittin	the often ery er.
2 3 4 5 6	Also with me are my cocounsel, Omar F Jeffrey Dennhardt from Wilmer Hale, and from our Mony Ghose and Mike Levy.  THE COURT: All right. Thank you.  Ms. Jacobs.	1 So what we have on Slide 3 of the  Chan and 2 demonstratives, which I think we've handed up to client, 3 Court now, is sort of a conceptual drawing that's depicted in textbooks or in treatises about the v high-level conceptual operation of a flow cytomet And, essentially, you have a laser cells passi through a flow cell, and then the laser is hittin	the often ery er.
2 3 4 5 6 7 8	Also with me are my cocounsel, Omar F Jeffrey Dennhardt from Wilmer Hale, and from our Mony Ghose and Mike Levy.  THE COURT: All right. Thank you.  Ms. Jacobs.  MS. JACOBS: Good afternoon, Your Hor	1 So what we have on Slide 3 of the  Chan and 2 demonstratives, which I think we've handed up to client, 3 Court now, is sort of a conceptual drawing that's depicted in textbooks or in treatises about the v high-level conceptual operation of a flow cytomet And, essentially, you have a laser cells passi through a flow cell, and then the laser is hittin	the often ery er. ng g the are
2 3 4 5 6 7 8	Also with me are my cocounsel, Omar F Jeffrey Dennhardt from Wilmer Hale, and from our Mony Ghose and Mike Levy.  THE COURT: All right. Thank you.  Ms. Jacobs.  MS. JACOBS: Good afternoon, Your Hor Karen Jacobs from Morris Nichols for Cytek Biosc	1 So what we have on Slide 3 of the Chan and 2 demonstratives, which I think we've handed up to client, 3 Court now, is sort of a conceptual drawing that's 4 depicted in textbooks or in treatises about the v 5 high-level conceptual operation of a flow cytomet 6 And, essentially, you have a laser cells passi 7 through a flow cell, and then the laser is hittin cliences, 8 flow cell, the cells in the flow cell, and there 9 dyes on the cells that then emit fluorescence or s	the often ery er. ng g the are
2 3 4 5 6 7 8 9	Also with me are my cocounsel, Omar F Jeffrey Dennhardt from Wilmer Hale, and from our Mony Ghose and Mike Levy.  THE COURT: All right. Thank you.  Ms. Jacobs.  MS. JACOBS: Good afternoon, Your Hor Karen Jacobs from Morris Nichols for Cytek Biosc and we have here with us today Reuben Chen.	1 So what we have on Slide 3 of the Chan and 2 demonstratives, which I think we've handed up to client, 3 Court now, is sort of a conceptual drawing that's depicted in textbooks or in treatises about the v high-level conceptual operation of a flow cytomet And, essentially, you have a laser cells passi nor. 7 through a flow cell, and then the laser is hittin cliences, 8 flow cell, the cells in the flow cell, and there 9 dyes on the cells that then emit fluorescence or s 10 that are then detected by the detectors.	often ery er. ng g the are
2 3 4 5 6 7 8 9 0	Also with me are my cocounsel, Omar P Jeffrey Dennhardt from Wilmer Hale, and from our Mony Ghose and Mike Levy.  THE COURT: All right. Thank you.  Ms. Jacobs.  MS. JACOBS: Good afternoon, Your Hor Karen Jacobs from Morris Nichols for Cytek Bioso and we have here with us today Reuben Chen.  MR. CHEN: Good afternoon, Your Honor	1 So what we have on Slide 3 of the Chan and 2 demonstratives, which I think we've handed up to client, 3 Court now, is sort of a conceptual drawing that's depicted in textbooks or in treatises about the v high-level conceptual operation of a flow cytomet And, essentially, you have a laser cells passi nor. 7 through a flow cell, and then the laser is hittin cliences, 8 flow cell, the cells in the flow cell, and there 9 dyes on the cells that then emit fluorescence or s 10 that are then detected by the detectors.	often ery er. ng g the are scatter ew,
2 3 4 5 6 7 8 9 0 1	Also with me are my cocounsel, Omar F Jeffrey Dennhardt from Wilmer Hale, and from our Mony Ghose and Mike Levy.  THE COURT: All right. Thank you.  Ms. Jacobs.  MS. JACOBS: Good afternoon, Your Horo Karen Jacobs from Morris Nichols for Cytek Bioso and we have here with us today Reuben Chen.  MR. CHEN: Good afternoon, Your Hono MS. JACOBS: Adam Pivovar, Dustin Kni	1 So what we have on Slide 3 of the  Chan and 2 demonstratives, which I think we've handed up to client, 3 Court now, is sort of a conceptual drawing that's 4 depicted in textbooks or in treatises about the v 5 high-level conceptual operation of a flow cytomet 6 And, essentially, you have a laser cells passi nor. 7 through a flow cell, and then the laser is hittin cliences, 8 flow cell, the cells in the flow cell, and there 9 dyes on the cells that then emit fluorescence or s 10 that are then detected by the detectors. 11 And that's sort of a conceptual overvi 12 like I said, that's often depicted or discussed i	often ery er. ng g the are scatter ew,
2 3 4 5 6 7 8 9 0 1 2 3	Also with me are my cocounsel, Omar R Jeffrey Dennhardt from Wilmer Hale, and from our Mony Ghose and Mike Levy.  THE COURT: All right. Thank you.  Ms. Jacobs.  MS. JACOBS: Good afternoon, Your Hor Karen Jacobs from Morris Nichols for Cytek Bioso and we have here with us today Reuben Chen.  MR. CHEN: Good afternoon, Your Honor MS. JACOBS: Adam Pivovar, Dustin Kni Betsy Flanagan, Rozzie Upton, all from Cooley.	1 So what we have on Slide 3 of the  Chan and 2 demonstratives, which I think we've handed up to client, 3 Court now, is sort of a conceptual drawing that's 4 depicted in textbooks or in treatises about the v 5 high-level conceptual operation of a flow cytomet 6 And, essentially, you have a laser cells passi nor. 7 through a flow cell, and then the laser is hittin cliences, 8 flow cell, the cells in the flow cell, and there 9 dyes on the cells that then emit fluorescence or s 10 that are then detected by the detectors. 11 And that's sort of a conceptual overvi 12 like I said, that's often depicted or discussed i	often ery er. ng g the are scatter ew,
3 4 5 6 7 8 9 10 11 12 13	Also with me are my cocounsel, Omar F Jeffrey Dennhardt from Wilmer Hale, and from our Mony Ghose and Mike Levy.  THE COURT: All right. Thank you.  Ms. Jacobs.  MS. JACOBS: Good afternoon, Your Hor Karen Jacobs from Morris Nichols for Cytek Biose and we have here with us today Reuben Chen.  MR. CHEN: Good afternoon, Your Honor MS. JACOBS: Adam Pivovar, Dustin Kni Betsy Flanagan, Rozzie Upton, all from Cooley.  And Mr. Chen Mr. Pivovar, and Mr. Kni	1 So what we have on Slide 3 of the Chan and 2 demonstratives, which I think we've handed up to client, 3 Court now, is sort of a conceptual drawing that's 4 depicted in textbooks or in treatises about the v 5 high-level conceptual operation of a flow cytomet 6 And, essentially, you have a laser cells passi nor. 7 through a flow cell, and then the laser is hittin cliences, 8 flow cell, the cells in the flow cell, and there 9 dyes on the cells that then emit fluorescence or s 10 that are then detected by the detectors. 11 And that's sort of a conceptual overvi 12 like I said, that's often depicted or discussed i 13 various treatises and textbooks and tutorials. 14 Here, in the prior art and commercial	often ery er. ng g the are scatter ew,
2 3 4 5 6 7 8 9 0 1 2 3 4 5	Also with me are my cocounsel, Omar P Jeffrey Dennhardt from Wilmer Hale, and from our Mony Ghose and Mike Levy.  THE COURT: All right. Thank you.  Ms. Jacobs.  MS. JACOBS: Good afternoon, Your Hor Karen Jacobs from Morris Nichols for Cytek Bioso and we have here with us today Reuben Chen.  MR. CHEN: Good afternoon, Your Honor MS. JACOBS: Adam Pivovar, Dustin Kni Betsy Flanagan, Rozzie Upton, all from Cooley.  And Mr. Chen Mr. Pivovar, and Mr. Kni be taking the lead in the arguments today.	1 So what we have on Slide 3 of the Chan and 2 demonstratives, which I think we've handed up to client, 3 Court now, is sort of a conceptual drawing that's 4 depicted in textbooks or in treatises about the v 5 high-level conceptual operation of a flow cytomet 6 And, essentially, you have a laser cells passi nor. 7 through a flow cell, and then the laser is hittin cliences, 8 flow cell, the cells in the flow cell, and there 9 dyes on the cells that then emit fluorescence or s 10 that are then detected by the detectors. 11 And that's sort of a conceptual overvi 12 like I said, that's often depicted or discussed i 13 various treatises and textbooks and tutorials. 14 Here, in the prior art and commercial	often ery er. ng g the are scatter ew,
2 3 4 5 6 7 8 9 0 1 2 3 4 5 6	Also with me are my cocounsel, Omar F Jeffrey Dennhardt from Wilmer Hale, and from our Mony Ghose and Mike Levy.  THE COURT: All right. Thank you.  Ms. Jacobs.  MS. JACOBS: Good afternoon, Your Hor Karen Jacobs from Morris Nichols for Cytek Biose and we have here with us today Reuben Chen.  MR. CHEN: Good afternoon, Your Honor MS. JACOBS: Adam Pivovar, Dustin Kni Betsy Flanagan, Rozzie Upton, all from Cooley.  And Mr. Chen Mr. Pivovar, and Mr. Kni be taking the lead in the arguments today.  THE COURT: Okay. Great. Thank you.	1 So what we have on Slide 3 of the  Chan and 2 demonstratives, which I think we've handed up to client, 3 Court now, is sort of a conceptual drawing that's 4 depicted in textbooks or in treatises about the v 5 high-level conceptual operation of a flow cytomet 6 And, essentially, you have a laser cells passi nor. 7 through a flow cell, and then the laser is hittin cliences, 8 flow cell, the cells in the flow cell, and there 9 dyes on the cells that then emit fluorescence or s 10 that are then detected by the detectors. 11 And that's sort of a conceptual overvi 12 like I said, that's often depicted or discussed i 13 various treatises and textbooks and tutorials. 14 Here, in the prior art and commercial 15 embodiments that were present at the time of the 16 invention, flow cytometers were rather large and	often ery er. ng g the are scatter ew, n
2 3 4 5 6 7 8 9 0 1 2 3 4 5 6 7	Also with me are my cocounsel, Omar F Jeffrey Dennhardt from Wilmer Hale, and from our Mony Ghose and Mike Levy.  THE COURT: All right. Thank you.  Ms. Jacobs.  MS. JACOBS: Good afternoon, Your Hor Karen Jacobs from Morris Nichols for Cytek Biose and we have here with us today Reuben Chen.  MR. CHEN: Good afternoon, Your Honor MS. JACOBS: Adam Pivovar, Dustin Kni Betsy Flanagan, Rozzie Upton, all from Cooley.  And Mr. Chen Mr. Pivovar, and Mr. Kni be taking the lead in the arguments today.  THE COURT: Okay. Great. Thank you. Just give me a second.	1 So what we have on Slide 3 of the  Chan and 2 demonstratives, which I think we've handed up to client, 3 Court now, is sort of a conceptual drawing that's 4 depicted in textbooks or in treatises about the v 5 high-level conceptual operation of a flow cytomet 6 And, essentially, you have a laser cells passi nor. 7 through a flow cell, and then the laser is hittin cliences, 8 flow cell, the cells in the flow cell, and there 9 dyes on the cells that then emit fluorescence or s 10 that are then detected by the detectors. 11 And that's sort of a conceptual overvi 12 like I said, that's often depicted or discussed i 13 various treatises and textbooks and tutorials. 14 Here, in the prior art and commercial 15 embodiments that were present at the time of the 16 invention, flow cytometers were rather large and	often ery er. ng g the are scatter ew, n
2 3 4 5 6 7 8 9 0 1 2 3 4 5 6 7 8 9 8 9 8 9 8 8 9 8 8 8 8 8 8 8 8 8 8	Also with me are my cocounsel, Omar Programmer Jeffrey Dennhardt from Wilmer Hale, and from our Mony Ghose and Mike Levy.  THE COURT: All right. Thank you.  Ms. Jacobs.  MS. JACOBS: Good afternoon, Your Horoman Jacobs from Morris Nichols for Cytek Biose and we have here with us today Reuben Chen.  MR. CHEN: Good afternoon, Your Honoman Jacobs: Adam Pivovar, Dustin Kni Betsy Flanagan, Rozzie Upton, all from Cooley.  And Mr. Chen Mr. Pivovar, and Mr. Kni be taking the lead in the arguments today.  THE COURT: Okay. Great. Thank you.  Just give me a second.  Okay. Let's begin. Plaintiff, you gets.	1 So what we have on Slide 3 of the Chan and 2 demonstratives, which I think we've handed up to client, 3 Court now, is sort of a conceptual drawing that's 4 depicted in textbooks or in treatises about the v 5 high-level conceptual operation of a flow cytomet 6 And, essentially, you have a laser cells passi nor. 7 through a flow cell, and then the laser is hittin cliences, 8 flow cell, the cells in the flow cell, and there 9 dyes on the cells that then emit fluorescence or s 10 that are then detected by the detectors. 11 And that's sort of a conceptual overvi 12 like I said, that's often depicted or discussed i 13 various treatises and textbooks and tutorials. 14 Here, in the prior art and commercial 15 embodiments that were present at the time of the 16 invention, flow cytometers were rather large and 17 I don't know whether we are having some technical 18 issues. We're good.	the often ery er. ng g the are scatter ew, n
2 3 4 5 6 7 8 9 0 1 2 3 4 5 6 7 8 9 9	Also with me are my cocounsel, Omar P Jeffrey Dennhardt from Wilmer Hale, and from our Mony Ghose and Mike Levy.  THE COURT: All right. Thank you.  Ms. Jacobs.  MS. JACOBS: Good afternoon, Your Hor Karen Jacobs from Morris Nichols for Cytek Biose and we have here with us today Reuben Chen.  MR. CHEN: Good afternoon, Your Honor MS. JACOBS: Adam Pivovar, Dustin Kni Betsy Flanagan, Rozzie Upton, all from Cooley.  And Mr. Chen Mr. Pivovar, and Mr. Kni be taking the lead in the arguments today.  THE COURT: Okay. Great. Thank you. Just give me a second.  Okay. Let's begin. Plaintiff, you g to go first?	1 So what we have on Slide 3 of the Chan and 2 demonstratives, which I think we've handed up to client, 3 Court now, is sort of a conceptual drawing that's 4 depicted in textbooks or in treatises about the v 5 high-level conceptual operation of a flow cytomet 6 And, essentially, you have a laser cells passi nor. 7 through a flow cell, and then the laser is hittin cliences, 8 flow cell, the cells in the flow cell, and there 9 dyes on the cells that then emit fluorescence or s 10 that are then detected by the detectors. 11 And that's sort of a conceptual overvi 12 like I said, that's often depicted or discussed i 13 various treatises and textbooks and tutorials. 14 Here, in the prior art and commercial 15 embodiments that were present at the time of the 16 invention, flow cytometers were rather large and 17 I don't know whether we are having some technical 18 issues. We're good.	the often ery er. ng g the are scatter ew, n
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 19 19 19 19 19 19 19 19 19 19 19 19	Also with me are my cocounsel, Omar F Jeffrey Dennhardt from Wilmer Hale, and from our Mony Ghose and Mike Levy.  THE COURT: All right. Thank you.  Ms. Jacobs.  MS. JACOBS: Good afternoon, Your Hor Karen Jacobs from Morris Nichols for Cytek Biose and we have here with us today Reuben Chen.  MR. CHEN: Good afternoon, Your Honor MS. JACOBS: Adam Pivovar, Dustin Kni Betsy Flanagan, Rozzie Upton, all from Cooley.  And Mr. Chen Mr. Pivovar, and Mr. Kni be taking the lead in the arguments today.  THE COURT: Okay. Great. Thank you.  Just give me a second.  Okay. Let's begin. Plaintiff, you g to go first?  MR. KHAN: Thank you, Your Honor. On	1 So what we have on Slide 3 of the Chan and 2 demonstratives, which I think we've handed up to client, 3 Court now, is sort of a conceptual drawing that's 4 depicted in textbooks or in treatises about the v 5 high-level conceptual operation of a flow cytomet 6 And, essentially, you have a laser cells passi nor. 7 through a flow cell, and then the laser is hittin cliences, 8 flow cell, the cells in the flow cell, and there 9 dyes on the cells that then emit fluorescence or s 10 that are then detected by the detectors. 11 And that's sort of a conceptual overvi 12 like I said, that's often depicted or discussed i 13 various treatises and textbooks and tutorials. 14 Here, in the prior art and commercial 15 embodiments that were present at the time of the 16 invention, flow cytometers were rather large and 17 I don't know whether we are having some technical 18 issues. We're good. 19 So were rather large and bulky, often s 20 half of a room, or third of a room. And one of t	often ery er. ng g the are scatter ew, n
2 3 4 5 6 7 8 9 0 1 1 2 3 4 4 5 6 6 7 8 9 9 0 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	Also with me are my cocounsel, Omar R Jeffrey Dennhardt from Wilmer Hale, and from our Mony Ghose and Mike Levy.  THE COURT: All right. Thank you.  Ms. Jacobs.  MS. JACOBS: Good afternoon, Your Hor Karen Jacobs from Morris Nichols for Cytek Biose and we have here with us today Reuben Chen.  MR. CHEN: Good afternoon, Your Honor MS. JACOBS: Adam Pivovar, Dustin Kni Betsy Flanagan, Rozzie Upton, all from Cooley.  And Mr. Chen Mr. Pivovar, and Mr. Kni be taking the lead in the arguments today.  THE COURT: Okay. Great. Thank you.  Just give me a second.  Okay. Let's begin. Plaintiff, you g to go first?  MR. KHAN: Thank you, Your Honor. On for plaintiff Beckman Coulter.	In and demonstratives, which I think we've handed up to client,  Court now, is sort of a conceptual drawing that's depicted in textbooks or in treatises about the value high-level conceptual operation of a flow cytomet for through a flow cell, and then the laser is hitting that are then detected by the detectors.  In and that's sort of a conceptual overvitable is and the prior art and commercial demonstration, flow cytometers were rather large and it is a conceptual overvitable is and the prior art and commercial is a conceptual overvitable.  In and that's often depicted or discussed it is and the prior art and commercial demonstration, flow cytometers were rather large and it is a conceptual overvitable.  In and that were present at the time of the invention, flow cytometers were rather large and it is a conceptual overvitable.  In and that were present at the time of the invention, flow cytometers were rather large and but it is a conceptual overvitable.  In and that are then detected by the detectors.  In and that's sort of a conceptual overvitable is and that are then detected by the detectors.  In and that is and that the prior art and commercial and the prior art and commercial is a conceptual overvitable.  In and that is an	the often ery er. ng g the are scatter ew, n
2 3 4 5 6 7 8 9 0 1 2 3 4 4 5 6 7 8 9 9 1 8 9 1 8 1 8 1 8 1 8 1 8 1 8 1 8	Also with me are my cocounsel, Omar Programmer Jeffrey Dennhardt from Wilmer Hale, and from our Mony Ghose and Mike Levy.  THE COURT: All right. Thank you.  Ms. Jacobs.  MS. JACOBS: Good afternoon, Your Horoman Ms. JACOBS: Good afternoon, Your Horoman Ms. JACOBS: Adam Pivovar, Dustin Kni Betsy Flanagan, Rozzie Upton, all from Cooley.  And Mr. Chen Mr. Pivovar, and Mr. Kni be taking the lead in the arguments today.  THE COURT: Okay. Great. Thank you.  Just give me a second.  Okay. Let's begin. Plaintiff, you go to go first?  MR. KHAN: Thank you, Your Honor. On for plaintiff Beckman Coulter.  So this is a case as Judge, you know,	1 So what we have on Slide 3 of the Chan and 2 demonstratives, which I think we've handed up to client, 3 Court now, is sort of a conceptual drawing that's 4 depicted in textbooks or in treatises about the v 5 high-level conceptual operation of a flow cytomet 6 And, essentially, you have a laser cells passi nor. 7 through a flow cell, and then the laser is hittin 8 flow cell, the cells in the flow cell, and there 9 dyes on the cells that then emit fluorescence or s 10 that are then detected by the detectors. 11 And that's sort of a conceptual overvi 12 like I said, that's often depicted or discussed i 13 various treatises and textbooks and tutorials. 14 Here, in the prior art and commercial 15 embodiments that were present at the time of the 16 invention, flow cytometers were rather large and 17 I don't know whether we are having some technical 18 issues. We're good. 19 So were rather large and bulky, often to 20 half of a room, or third of a room. And one of t 21 things that the prior art flow cytometers had was 22 photo multiplier tube. This was a detector agent	the often ery er. ng g the are scatter ew, n
2 3 4 5 6 7 8	Also with me are my cocounsel, Omar Proceedings of the Court's indulgence of the Court's indulge	1 So what we have on Slide 3 of the Chan and 2 demonstratives, which I think we've handed up to client, 3 Court now, is sort of a conceptual drawing that's 4 depicted in textbooks or in treatises about the v 5 high-level conceptual operation of a flow cytomet 6 And, essentially, you have a laser cells passi nor. 7 through a flow cell, and then the laser is hittin 8 flow cell, the cells in the flow cell, and there 9 dyes on the cells that then emit fluorescence or s 10 that are then detected by the detectors. 11 And that's sort of a conceptual overvi 12 like I said, that's often depicted or discussed i 13 various treatises and textbooks and tutorials. 14 Here, in the prior art and commercial 15 embodiments that were present at the time of the 16 invention, flow cytometers were rather large and 17 I don't know whether we are having some technical 18 issues. We're good. 19 No were rather large and bulky, often the conceptual operation of a room. And one of the cells that the prior art flow cytometers had was 20 half of a room, or third of a room. And one of the cells that the prior art flow cytometers had was 21 things that the prior art flow cytometers had was 22 photo multiplier tube. This was a detector agent 23 detector all the way to the right of the conceptual	the often ery er. ng g the are scatter ew, n

Case 1:24-cv-00945-CFC-EGT	t 192-1 13434	Filed 10/24/25 Page 3 of 50 PageID
they were large, and they were expensive. And this was	1	passing through here. These are the optical filters,
a recognized problem in the industry at the time.	2	these are the mirrors. And the APDs are back here, all
At the time it was also known that there were	3	the way at the end.
these smaller, more efficient, more sensitive detecters	4	And each WDM has optical and detector
known as APDs, or Avalanche photodiode. And there was a	5	components and this improves, as we have been talking
problem in the industry of being able to not being	6	about, the sensitivity.
able to use APDs in flow cytometers. And that's really	7	The CytoFLEX was marketed as the first
one of the problems that the patents are trying to	8	commercial flow cytometer that had advanced photo
solve.	9	Avalanche photo multiplier tubes or APDs, sorry.
And what they do, and Dr. Chen invented,	10	And, again, the idea was to peel back each of
essentially the combination, a unique WDM, a wavelength	11	the wavelengths in successive intervals every time you
division multiplexing scheme that, essentially, combines	12	go through the zigzag pattern. And on the video again,
a WDM architecture with APDs where the light that comes	13	on the commercial website, we have a depiction of that
in is peeled off in successive layers through this	14	as well.
zigzag pattern. And there's also a picture of what	15	So, again, the light is coming through from
became the ultimate commercial embodiment of the Beckman	16	the flow cell. This is the zigzag pattern that's
Coulter CytoFLEX products, which have been an incredible	17	created. The light is bouncing around between the
success in the marketplace.	18	filters and the mirror. This is the mirror, and a
Just to see what this looks like in practice,	19	curved mirror on this end. These are the filters. You
we have a short video. This is just a commercial video	20	can see on the back individual wavelengths of light are
from the Beckman Coulter website that shows how the flow	21	coming through and being detected by the APDs on this
cytometer works.	22	end.
So if we sort of zoom in and then open up the	23	And so this was the design that was one of
hood, what you have, essentially, is the this is the	24	the embodiments that was described in the specification.
fiber that's coming from the flow cell. So light is	25	Very importantly for this case, and for the claim
7		8
construction proceedings here today, that embodiment was	1	"preferred" is used to describe a number of different
described very clearly as an exemplary embodiment, and	2	disclosures and different embodiments.

1 2 described very clearly as an exemplary embodiment, and 3 it's described as illustrative and nonlimiting. 4 There's not going to be in this case a 5 statement of the invention or a disclaimer or a 6 definitional statement that's going to limit any of the 7 claim terms here to that embodiment. THE COURT: So would you agree that there is 8 9 no preferred embodiment in the written description? MR. KHAN: This is one of the preferred 10 11 embodiments. THE COURT: I thought "preferred" is you have 12 13 one. MR. KHAN: You can have multiple preferred 14 embodiments in the --15 THE COURT: Do you have any case law that says 16 17 that? MR. KHAN: I believe there is case law, and 18 we're happy to submit it to the Court, if that would be 19 20 Usually, that's how the specifications, Your 21 22 Honor, are structured, which is you have sort of a 23 number of different preferred embodiments in the 24 specification that are described and disclosed. And in 25 this case, I think even in this patent, the word

1

6

2122232425

3 THE COURT: Do you want to show me? You're 4 saying in the written description itself, it refers to 5 multiple embodiments as preferred? MR. KHAN: So --6 7 THE COURT: I don't think the word "preferred" is in the '582 patent, is it? 8 9 MR. KHAN: It's described sometimes as 10 exemplary. 11 THE COURT: I know. But you said it was preferred. I mean, that's what you said. 12 13 MR. KHAN: Right.  $\ensuremath{\mathbf{THE}}$   $\ensuremath{\mathbf{COURT}}\colon$  When I do a word search of the 14 15 '582 patent, the word "preferred" doesn't come up, but my search engine might be wrong. 16 17 MR. KHAN: I don't doubt, Your Honor, that the word "preferred" is not used. 18 THE COURT: Oh, okay. Well, I thought that 19 20 was pretty important. So, actually, the patent doesn't 21 identify the preferred embodiment? 22 MR. KHAN: It identifies a number of exemplary 23 embodiments. 24 THE COURT: Right. So I heard that. MR. KHAN: Okay.

Filed 10/24/25 Page 4 of 50 PageID Case 1:24-cv-00945-CFC-EGT Document 192-1 #: 13435 1 THE COURT: Just answer my question. 1 point. You agreed, you said the case law distinguishes 2 MR. KHAN: Yes. 2 between preferred and exemplary. Can you tell me how it 3 THE COURT: It doesn't identify a preferred 3 does? 4 4 embodiment, correct? MR. KHAN: I think -- you know, it's not 5 MR. KHAN: It doesn't use those words, but 5 exactly going to be sort of crystal clear in the case 6 it's pretty clear, Your Honor, from the overall 6 law, Your Honor, just to be honest. disclosure, that Figure 25 is being discussed and I think the idea is that in the 7 8 depicted as a preferred embodiment, if we can use that 8 specification, there are going to be -- there are term. And there are exemplary embodiments, of which that 9 9 certain embodiments that are the focus of the 10 is one, for sure. 10 specification that are disclosed as sort of what 11 THE COURT: But the case law, it matters, 11 ultimately in this case became the commercial right? Case law distinguishes between an exemplary and a 12 12 embodiment, right? And those might be viewed as 13 preferred embodiment, right? 13 preferred, even if they're not termed as preferred. MR. KHAN: Correct, Your Honor. 14 THE COURT: Let me ask you this, then. I'm 14 15 THE COURT: How does it do so? 15 not getting a real straight answer. 16 MR. KHAN: I'm sorry? 16 Are all the exemplary embodiments preferred 17 THE COURT: How does it do so? You just said 17 embodiments? MR. KHAN: I don't think we could go that far, 18 it does distinguish it. Tell me how. 18 19 19 MR. KHAN: One of the ways is that the claims Your Honor. Right. THE COURT: Okay. So how do I tell the 20 can't -- of course, can't be limited to -- either to 20 21 exemplary or preferred embodiments. 21 difference in the written description of the '582 patent But in this case, Your Honor, I think what 22 what's a preferred embodiment versus what's an exemplary 22 23 the Cytek is doing is essentially arguing that Figure 25 23 embodiment? 24 is the invention itself. 24 MR. KHAN: Yeah. Absent the use of the term 25 THE COURT: Put that aside. Go to the legal 2.5 "preferred" --11 12 1 THE COURT: Well, we've already agreed the limited to the preferred embodiment, they can't be 2 term "preferred" is not in there, right? 2 limited to exemplary embodiments. For purposes of claim 3 MR. KHAN: Right. 3 construction, sometimes, under some circumstances, there Λ THE COURT: I mean, isn't that a starting 4 is case law that says the claims should be interpreted 5 point? 5 to encompass the preferred embodiment. 6 MR. KHAN: Yes. Yes, Your Honor. 6 And so that -- to the extent it matters for 7 7 THE COURT: Okay. So since the term the Court, that's the implication of preferred or "preferred" isn't in there and since you are saying there exemplary. Usually that's the only -- that's one of the 8 8 9 are preferred embodiments that are disclosed in the '582 9 few implications of that outcome. 10 written description, and since you're saying there's a 10 THE COURT: Hold up, please. MR. KHAN: Yes. 11 difference between preferred and exemplary, tell me, what 11 should I do when I read the '582 patent to discern what's  $\ensuremath{\mathbf{THE}}$   $\ensuremath{\mathbf{COURT}}\colon$  I'm going to ask you to clarify. 12 12 13 a preferred embodiment versus what's an exemplary 13 I mean, the transcript, which obviously we're doing it embodiment? real time, so it may not be exactly right. The court 14 14 What do I do? How do I do that? 15 15 reporter is pretty good, but it says you said, according MR. KHAN: I think absent the use of the word 16 16 to this transcript, For purposes of claim construction, 17 "preferred," it would mostly be sort of how much of the 17 the preferred embodiment, essentially, the claims can't 18 specification is discussing the various embodiments, and 18 be limited to the preferred embodiment. They can't be 19 Figure 25 is subject of a significant amount of 19 limited to exemplary embodiments. For purposes of claim 20 discussion. 20 construction, sometimes, under some circumstances, there 21 So I think it would be fair, even though it 21 is case law that says the claims should be interpreted to doesn't say the word "preferred," that it is a 22 encompass the preferred embodiment, and so that to the 22 23 23 extent it matters for the Court, that's the implication 24 For purposes of claim construction, the 24 of preferred or exemplary. preferred embodiment, essentially, the claims can't be 25 No offense, but I still don't know what you 25

	Case 1:24-cv-00945-CFC-EGT Document	192-1 13436	Filed 10/24/25 Page 5 of 50 PageID
1	are saying.	1	really clear, each claim is a separate invention, right?
2	MR. KHAN: Right.	2	MR. KHAN: Each claim is a separate invention
3	THE COURT: So I want you to help me out.	3	that, in principle, could be directed to a different
4	So I understand that there's cases out there	4	exemplary embodiment, yes.
5	that say you can't interpret a claim to exclude a	5	THE COURT: Right. So if I have at least two
6	preferred embodiment.	6	independent claims for every patent, they are independent
7	MR. KHAN: Exactly, Your Honor.	7	of each other, why should I be worried in interpreting
8	THE COURT: Okay.	8	one claim about whether I read or don't read out an
9	I don't know of a case that and I'm	9	embodiment?
10	asking. There might be one. Is there a case that says	10	MR. KHAN: Generally speaking, Your Honor, we
11	you can't construe a claim to not cover an exemplary	11	shouldn't be worried about that.
12	embodiment?	12	THE COURT: Okay.
13	MR. KHAN: There's not. I don't believe that	13	MR. KHAN: Right? And I think sometimes what
14	there's that kind of a case, correct, Your Honor.	14	we're trying to illustrate to the Court in the briefing,
15	THE COURT: Okay. And how many claims do we	15	and we're going to do try to do today, is we're going to
16	have in this patent? I mean, we have a bunch of patents,	16	use some aspects of what we're now calling the most
17	so let's say the '582.	17	exemplary embodiment, if I can put it that way.
18	Fair enough, we have more than one claim for	18	THE COURT: Oh, "the most exemplary." Okay.
19	every patent?	19	And that's Figure 25?
20	MR. KHAN: That is correct, Your Honor.	20	MR. KHAN: And that, I think, would be
21	THE COURT: Do we have more than one	21	Figure 25.
22	independent claim for every patent?	22	THE COURT: And it's the most exemplary?
23	MR. KHAN: Yes, sir. Yes, Judge.	23	MR. KHAN: Well, I don't I am using that
24	THE COURT: Okay. So then, why shouldn't I	24	colloquially. I'm saying that that is an
25	And you agree under the case law, this is	25	THE COURT: I don't even know what colloquial
1 2	means, in terms of patent construction, so  MR. KHAN: Right. What I'm basically trying	1 2	would not impermissible in a multi-patent, multi-claim, multi-independent claim situation. There's no
3	to suggest, Your Honor, is that Figure 25, we would	3	requirement that every single independent claim cover the
4	agree, is the embodiment in the patent that is the	4	preferred embodiment.
5	subject of greatest discussion.	5	THE COURT: Right.
6	It is you're right, it is only described	6	MR. KHAN: You are right about that, yes.
7	as an exemplary embodiment. The word "preferred" I	7	THE COURT: All right. So I can read the
8	don't think is in there.	8	patent. I can read at least one independent claim in the
9	But for our purposes, Your Honor, the claims	9	patent to not cover Figure 25.
10	don't should not be limited to any of the exemplary	10	MR. KHAN: Yes, Your Honor.
11	embodiments or to any of the preferred embodiments. And	11	THE COURT: Okay. All right. Go ahead.
12	I think that's what we're saying.	12	MR. KHAN: And just to pick up on that point,
13	And but there are you know, aspects of	13	you know, Figure 25 being described as exemplary and, you
14	Figure 25 may be relevant to understanding particular	14	know, the there is this discussion about whether there
15	claim terms and understanding how they should be	15	can be convergence in the relay. The zigzag has a relay
16	understood in the intrinsic evidence in light of the	16	element.
17	state of the art.	17	And the patent expressly talks about how the
18	THE COURT: Right. But it would be perfectly	18	concave mirror in the WDM can be used to converge and
19	consistent with the case law for one claim, one	19	relay the beam of light.
20	independent claim to read on Figure 25 and for another	20	So that is not a particularly you know, as
21	independent claim of the patent to not read on 25, right?	21	far as we're concerned, right, there's no statement of
22	MR. KHAN: That would be consistent with the	22	the invention that would preclude the concave mirror
23		23	resulting in a convergence as part of the relay.
	case law.	2.5	resureing in a convergence as pare or the relay.
24	case law.  THE COURT: That would be allowed?	24	And that's going to become important for a
24 25			

Case 1:24-cv-00945-CFC-EGT Filed 10/24/25 Page 6 of 50 PageID Document 192-1 #: 13437 1 So in terms of the disputed claim terms, we 1 narrow or overly limit the claims and in ways that, 2 have nine sets of disputed claim terms. From our 2 quite frankly, don't seem particularly helpful to a jury 3 perspective, Your Honor, each of the terms is either a, 3 in how to figure out how to parse out infringement or you know, straightforward term, word that a jury could 4 non-infringement, or the invalidity issues. 4 5 mostly understand, first and second portion, image. 5 THE COURT: Okay. 6 And then the other terms, what they are 6 MR. KHAN: So if I could just start in to --7 seeking to --THE COURT: Well, you're going to go to the 8 THE COURT: Why don't we wait see if we can --8 claims right now? 9 MR. KHAN: Sure. 9 MR. KHAN: Yes. THE COURT: -- figure this out, the technical THE COURT: All right. So what I would think, 10 10 11 alitch out. 11 why don't we do this, and maybe ... 12 Do you have a similar kind of overview? 12 MR. KHAN: Maybe I should stand over here. 13 THE COURT: Okay. 13 MR. CHEN: I do, Your Honor. 14 MR. KHAN: Okay. And then the other terms are 14 THE COURT: So why don't you do your overview, 15 terms that comprise one, two, or three words, 15 and they can figure out if they can get their computer 16 essentially, in each instance, in our view, are used in 16 working or what the issue is, and maybe were going to 17 the industry in the science in a particular way. They're 17 find out it's both computers, so meaning the court is the standard terms that are used in the intrinsic evidence in 18 18 problem. 19 19 exactly the same way. MR. CHEN: Thank you, Your Honor. As I've said already, there's no statement of 20 20 Good afternoon, Reuben Chen for Cytek 21 the invention that would limit these terms. There's no 21 Biosciences. disclaimer. There's no definition that would limit 22 I'll go ahead and begin with a brief 22 23 these terms. 23 background that will help inform the proposed 24 And as a result, what Cytek is, in our 24 constructions today. 25 perspective, trying to do is mostly limit -- overly 25 THE COURT: Right. And do you have... it 19 20 looks like you might have slides too? 1 bands, and then that's used by a computer with 2 MR. CHEN: I do. 2 algorithms to analyze the fluorescent light, as well as 3 THE COURT: Great, thank you. 3 the scattered light. Λ MS. FLANIGAN: May I approach, Your Honor? 4 Now, flow cytometers are not new. The first 5 THE COURT: Yeah, please. 5 flow cytometer was developed in 1965, Your Honor. The 6 MR. CHEN: Thank you. 6 use of WDMs in flow cytometers is also not new. That 7 THE COURT: Thank you. was introduced in the 1990s and early 2000s. MR. CHEN: As you heard counsel say, these Our client, Cytek, actually had some early 8 8 9 patents are directed to flow cytometers, and flow 9 flow cytometers that used WDMs. 10 cytometers are used to analyze cells or particles that 10 What BEC's asserted patents are directed to 11 flow through a flow channel. 11 is a specific configuration of flow cytometers that have 12 And how this basically works is there's a 12 particular WDM components that are borrowed from the 13 light source that is shined onto the cells or particles, 13 optical communications industry and then put into a flow then the light will actually both scatter, as well as 14 14 cytometer. fluoresce. The scattered light will be detected by what 15 15 And we see that from its own patents which

16

17

18

19

20

21

22

23

24

25

liaht.

state: "WDM techniques well-established in the optical

path of the light here is key to these inventions. It's

key to the -- these inventions, the optical path of the

laser, 501, that shines laser light, which is then

relayed off of this component 503, and then it travels

So BEC's patents describe that there's a

And let me just explain, because the optical

communication industry can be readily adapted for

fluorescent light detection."

16

17

18

19

20

21

22

23

24

25

are called forward and side scatter detectors.

light will be sent to what are called wavelength

division multiplexers. Or more accurately, they're

actually demultiplexers because what they do, Your

there that there are these detectors, there are these

separate detectors that detect the different color

filters that separate the wavelengths of light, and then

Honor, is they separate wavelengths of light.

And importantly, the separate fluorescent

And so you see in the upper right-hand corner

	Case 1:24-cv-00945-CFC-EGT		192-1 13438	Filed 10/24/25	Page 7 of 50 PageID
1	through the flow cell, which is in 60 there. The	tube	1	directions.	
2	there is the flow cell within 60, which is an obje	ctive.	2	THE COURT:	When it hits 409, it goes in all
3	And what happens when the light hits the	nat	3	these directions?	
4	flow cell is that it both scatters and it fluores	ces.	4	MR. CHEN:	That's right. It goes in all
5	The scatter light, as it goes through this flow on	ell,	5	directions. That's con	rrect.
6	409, in this particular Figure 38, both is forward	i	6	THE COURT:	But then the reason why it goes 90
7	scattered and side scattered.		7	degree	
8	The forward scattered light is relayed	off of	8	And by side	, you mean, like, 90 degrees,
9	this 406 mirror and then detected by a detector, $\dot{\alpha}$	108.	9	right?	
10	That's a forward-scatter detector, 408. The		10	MR. CHEN:	90 degrees and sometimes a little
11	specification makes that very clear.		11	bit off of 90 degrees,	Your Honor.
12	The side scattered light goes directly		12	THE COURT:	Okay. But it's doing that
13	sideways, so there's no need for a optical relay	a	13	Like is it	going up?
14	separate optical relay element there. And it's de	tected	14	MR. CHEN:	It's going, yes, up in that
15	by the side-scatter detector 413.		15	direction.	
16	What happens to the fluorescent light?	Well,	16	THE COURT:	Going down?
17	the fluorescent light		17	MR. CHEN:	It's also it's also going down
18	<b>THE COURT:</b> By the way, just a simple to	thing,	18	as well. And in the b	ack there, there's a
19	if you stick on this figure.		19	THE COURT:	Does it emanate out of the
20	MR. CHEN: Yes.		20	optimizer? In other w	ords, is it because I'm seeing a
21	THE COURT: So the reason why it goes s	ideways	21	see-through box, but,	in reality, it would only have
22	is because there's holes?		22	holes on the side and	in the front?
23	MR. CHEN: The reason it goes sideways	is	23	MR. CHEN:	Oh, it is it is either glass or
24	because it when it hits the particles, it split	s. It	24	plastic, Your Honor, s	50
25	goes into all directions, forward direction, side		25	THE COURT:	So the entire thing is
		23			24
1	see-through?		1	THE COURT:	There's only one of them, right?
2	MR. CHEN: That's correct, Your Honor.		2	MR. CHEN:	There's only one of them.
3	THE COURT: So what about the stuff the	at's	3	THE COURT:	I'm just curious. Sometimes I get
4	going up and down? It's just not measured?		4	curious. Why does it	only go up one side? Why doesn't
5	MR. CHEN: Up and down, that's correct,	Your	5	it go up the side?	
6	Honor.		6	MR. CHEN:	Well, it does go off the other
7	THE COURT: Okay.		7	side.	
8	MR. CHEN: That's correct.		8	THE COURT:	There's only one 413. Right?
9	THE COURT: I see. But you could measu	re it.	9	There's not multiple 41	3s.
10	You just don't need to.		10	MR. CHEN: T	hat's correct, Your Honor. Yeah.
11	MR. CHEN: You could have a design that	5	11	-	pens when the light goes off the
12	measures it. That's correct, Your Honor.		12		a concave mirror 415 that will
13	THE COURT: Why do you do the side and :		13		and then actually direct it back
14	only? Do you only do one side, by the way or do	you	14	_	direction. That's the
15	do		15		So the entire wall of 415 is a
16	MR. CHEN: No. This particular emboding	ment,	16	mirror?	
17	you're doing both. You're doing both.		17		That's correct.
18	THE COURT: Okay.		18		So it is, it's diverting anything
19	MR. CHEN: Yes. You're doing the fo		19	coming out. Anything	
20	scatter is 408 because it's forward scattering, bu		20	MR. CHEN:	
21	it's being reflected off 406, being detected by 40		21		getting bounced right, gets
22	the patent describes 408 as the forward scatter detection	ctor.	22	bounced back left by t	
23	THE COURT: Right.		23		That's correct.
24	MR. CHEN: 413 is the side scatter detector	or	24	THE COURT:	-
25	because that's		25	MR. CHEN:	It's a concave mirror 415 that is

Filed 10/24/25 Case 1:24-cv-00945-CFC-EGT Page 8 of 50 PageID Document 192-1 #: 13439 bouncing light upwards through -- there's an aberration 1 component 902 collimates that light and collimation runs corrector plate which we'll talk about later. That's 414 2 through the entire WDM, that collimated beam runs in this figure, and then it hits the side scatter 3 through the entire WDM. detecter 413, Your Honor. 4 What happens next, after the light is THE COURT: So it's funneling everything to 5 collimated from 902, it's received by dichroic filter that one side 6 903. What a dichroic filter does, it allows certain 7 range of wavelengths to travel through it and reflects MR. CHEN: That is correct, yes. That's side scattered light. And then there's also fluoresced light. 8 the other wavelengths of light. And that fluoresced light will be gathered, like I said, 9 So here, the red-colored band is allowed to by the concave mirror and aberration corrector plate, 10 pass through the dichroic filter. The component 904, which are now 601 and 602 in this Figure 31. 11 which isn't particularly relevant for purposes of claim And then that will be output to an optical 12 construction, further filters -- it's called a band-pass fiber 852, which then travels to the wavelength division 13 filter, and it further filters the red light. Basically multiplexer, which you see in the upper right-hand 14 further narrows the range of red light, sharpens the corner there. And Figure 25 is BEC's annotations of the 15 light. WDM. 16 And then the light, then, is received by 905, And we don't agree with all their annotations 17 which is a focusing lens, which focuses the light. And here, but it is helpful to walk through their 18 this is where we have some disagreement with the way 19 annotations, which shows the -- how the optical path of that counsel has drawn the light, but there's a focusing light is manipulated by various WDM components. 20 of the light onto the semiconductor or detector -- not It's actually very important that this is a 21 necessarily a semiconductor detector, but a detector, specific configuration that in informs the claim and they give the example of the detector being a 22 construction here. 23 semiconductor detector there. So 901 is where the optic fiber is, and the 24 And then the reflected light, which has the light is coming out of the optical fiber. And the 2.5 other color bands, will travel to a relay element 907, 27 28 which could be a mirror, and that mirror will then send 1 Want to start with the first term. the other color bands all the way down to the second 2 Looks like their computer worked. Lot of dichroic filter, which will pass another range of light 3 pressure on you guys. through the focusing lens to a second semiconductor 4 MR. KHAN: Pressure is on. detector and, you know, so on throughout the system, 5 THE COURT: Might be up here. Your Honor. 6 All right. We will have to do it the 7 Now, one thing I want to point out -- and old-fashioned wav. MR. KHAN: All right. Your Honor, the first this is BEC's patent family. It's actually not the 8 complete patent family because there are additional 9 set of terms is "first" and "second." At Slide 17, we continuations that have since issued -- is that the 10 have -- at Slide 17, we've set out the parties' competing earliest U.S. patent is the '412 patent. It issued on 11 constructions in the case. August 29, 2017. If the -- Slide 18 lays out what we think is 12 Cytek's first accused product -- not its 13 of -- is the dispute here. So the question is whether "first" and "second" identify different elements in a first product, but it's first accused product -- was 14 released in June of 2017, mid 2017. Notably, the -- and 15 set or whether they instead require sequencing or it received its own patents. It has its revolutionary 16 ordering. technology, not relevant for purposes of today, but 17 And if we start with just the basic you'll learn more about that as the case continues. 18 proposition from the Federal Circuit, Your Honor, at Notably, the '412 patent is not asserted in 19 Slide 19, this is a 3M case. It is very common patent this case. And what we see is that in subsequent 20 law convention to just use "first" and "second" to refer

21

22

23

24

25

to various elements in the claims. That's the starting

claims repeatedly and throughout use other language, not "first" and "second," to refer, essentially, to whether

If we go to the claims at Slide 20. The

presumption that we're looking at.

1

2

3

4

5

6

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Honor. Thank you.

patents, what Beckman Coulter has done is to expand the

scope of the claims in a way that's not supported by the

specification. You'll hear more about that today, Your

THE COURT: All right. Thank you.

Case 1:24-cv-00945-CFC-EGT Filed 10/24/25 Page 9 of 50 PageID Document 192-1 #: 13440 1 or not there's a sequencing order in connection with the 1 sequence. 2 claim limitation. 2 If we go to Slide --3 THE COURT: All right. I'm good with the 3 THE COURT: Hold up. 4 claims. There are other claims that clearly distinguish 4 MR. KHAN: Yeah. 5 sequentially or temporally "first" and "second." I'm okay 5 Go to Slide 25, Your Honor, now we're into the optical components. So there's a description of the 6 6 with that. I'm not that persuaded by it. So what I want you to do is I want you to 7 composite microscope objective, which we're going to 7 focus on the written description and tell me where in 8 8 hear more about later this afternoon 9 the written description would it be clear to me that 9 And it describes that the aspheric lens has a 10 "first" and "second" are not limited or don't have a 10 first zone with negative optical power and a second zone 11 temporal or sequential limitation, essentially. All 11 with positive optical power, radially inside the first 12 12 zone. The second zone inside the first zone. So that's riaht? 13 MR. KHAN: Right. I think the crux of their 13 not sequence or order. 14 argument, Your Honor, essentially --14 At the bottom of Slide 25, there's a 15 THE COURT: Don't worry about their argument. 15 description of how the dichroic filter arrangement 16 You just show me in the written description. 16 separates the beam of light into a first branch and a 17 MR. KHAN: Sure. In the written description, 17 second branch. Those are, again, not sequence, not 18 Your Honor, Slide 24. 18 order. 19 19 THE COURT: Okav. And then this may have been, Your Honor, on MR. KHAN: So here's use of "first" and 20 20 Slide 26 what Your Honor was getting at -- Judge, you 21 "second," essentially to refer to -- there's a T-junction 21 were getting at, with the notion of whether there's a that's created, T coupling 703, and "first" and "second" 22 preferred embodiment or whether that matters or not. 22 23 is used not to refer to any sequence, but just first 23 We're just -- the only reason to point out 24 fraction received by the first outlet and the second 24 and use Figure 25 in this context is that at least in 25 fraction received by the second outlet. No ordering, no 2.5 Figure 25, the use of the word "first" is not actually 31 32 1 the first of the focusing optical elements. The use of 1 So where I want you to start is, won't you 2 the word "first," if you did it in sequence or order, 2 concede if I limited my focus to just the claims, they 3 it's the second. 3 should win? I mean, the claims --Λ The written description refers to the Λ MR. CHEN: I do not because all the claims 5 sequentially or ordered first focusing element as the 5 that they point to, Your Honor, are readily 6 initial. So, again, in sequence or order, "first" is 6 distinguishable and actually do not support their 7 7 being used to refer to the second in the sequence. position. I'm happy to walk through those. There's, Claim -- Slide 27, Your Honor, we're just like, three claims that they point to, and I can address 8 8 9 9 those really quickly. And then I can also address the illustrating what, essentially, Cytek is trying to do by 10 striking the words from the claims and substituting 10 specification. I can start with the specification, 11 words such as "initial" and "second sequential," 11 actually. 12 12 where -- to the extent that there's a relational THE COURT: Well, do the claims. I'll let you 13 requirement between the various limitations that should 13 start with the claims and just show me. Because I think be set out in the other limitations of the claims, which their arguments are pretty compelling about at least some 14 14 use words like "additional" or "following" or other 15 of the claims. 15 words like that. There is case law --MR. CHEN: Understood, Your Honor. 16 16 17 THE COURT: I don't need case law. Let's hear 17 THE COURT: Mind you, I mean, it seems to me I 18 from them. All right? 18 ought to put less weight on the claims anyway because, 19 MR. KHAN: Okay. Thank you. 19 you know, that's where the attorney manipulation comes in 20 THE COURT: Thank you. 20 and, you know, it just really bothers me to say, well, 21 By the way, I'm cutting you short because 21 I'm going to the fact that one claim is sequential and 22 22 we've got a lot to do. another is not is really probative, you know, because some lawyer came up with that. I really need to turn to MR. KHAN: Yes, Your Honor. Understood. 23 23 24 THE COURT: I only need to hear what I need to 24 the written description to find out what the invention is 25 hear. 25 talking about, it seems to me.

	Case 1:24-cv-00945-CFC-EGT Document	192-1 13441	Filed 10/24/25 Page 10 of 50 PageID
1	MR. CHEN: I completely agree with you,	1	MR. CHEN: Okay. So what they are referring
2	especially since these are subsequent claims that came	2	to here is that there is a first branch and a second
3	after the original application, Your Honor. That's	3	branch of light after the light reaches the dichroic
4	correct.	4	filter.
5	THE COURT: All right. You think you can	5	And my point is that it's irrelevant which
6	distinguish them anyway, so go ahead.	6	one you're going to call the first
7	MR. CHEN: I believe I can, Your Honor.	7	THE COURT: Hold up. Sorry. So I just want
8	THE COURT: All right.	8	to get my bearings here on the diagram.
9	MR. CHEN: Let's start with '582 patent,	9	So would you point to the first optical
10	dependent Claim 6, which I don't have the language on	10	filter in this Figure 25. What's that?
11	here.	11	MR. CHEN: Absolutely. So the first optical
12	THE COURT: Hold up. I've got it.	12	filter, which is supported by the specification, is this
13	${f MR.}$ CHEN: This is their argument where there	13	first dichroic filter, 903
14	is a first and second branch.	14	THE COURT: Okay. But I think he
15	THE COURT: Hold on. You want to go to	15	You don't think that, right? Or do you? Do
16	Hold on. We go to the '582.	16	you agree with that?
17	MR. CHEN: '582 patent, dependent Claim 6.	17	MR. KHAN: I believe that that specification,
18	This is one of the claims that they point	18	that's the first filter. I was
19	THE COURT: I'm there.	19	THE COURT: Okay. All right. So you agree
20	MR. CHEN: Okay. Thank you, Your Honor.	20	with it.
21	And so they talk about a first branch and a	21	Go ahead.
22	second branch.	22	MR. CHEN: And this is the second dichroic
23	And may I actually approach the screen, Your	23	filter. And so
24	Honor? I think it might be a little easier.	24	THE COURT: Wait. The second is which one?
25	THE COURT: Yes.	25	MR. CHEN: Is the blue one.
	35		36
1	THE COURT: You agree with that, Mr. Khan?	1	36 MR. CHEN: That's correct, Your Honor.
1 2		1 2	
	THE COURT: You agree with that, Mr. Khan?		MR. CHEN: That's correct, Your Honor.
2	THE COURT: You agree with that, Mr. Khan? MR. KHAN: Yes, Your Honor.	2	MR. CHEN: That's correct, Your Honor.  THE COURT: Or not sequential, actually. They
2	THE COURT: You agree with that, Mr. Khan?  MR. KHAN: Yes, Your Honor.  THE COURT: Okay.	2	MR. CHEN: That's correct, Your Honor.  THE COURT: Or not sequential, actually. They occur at the same time.
2 3 4	THE COURT: You agree with that, Mr. Khan?  MR. KHAN: Yes, Your Honor.  THE COURT: Okay.  MR. KHAN: The specification described	2 3 4	MR. CHEN: That's correct, Your Honor.  THE COURT: Or not sequential, actually. They occur at the same time.  MR. CHEN: Oh, that that's correct.
2 3 4 5	THE COURT: You agree with that, Mr. Khan?  MR. KHAN: Yes, Your Honor.  THE COURT: Okay.  MR. KHAN: The specification described  THE COURT: Thank you. Go ahead.	2 3 4 5	MR. CHEN: That's correct, Your Honor.  THE COURT: Or not sequential, actually. They occur at the same time.  MR. CHEN: Oh, that that's correct.  THE COURT: Do you dispute that, Mr. Khan?
2 3 4 5	THE COURT: You agree with that, Mr. Khan?  MR. KHAN: Yes, Your Honor.  THE COURT: Okay.  MR. KHAN: The specification described  THE COURT: Thank you. Go ahead.  MR. CHEN: Okay. And what Beckman Coulter has	2 3 4 5	MR. CHEN: That's correct, Your Honor.  THE COURT: Or not sequential, actually. They occur at the same time.  MR. CHEN: Oh, that that's correct.  THE COURT: Do you dispute that, Mr. Khan?  MR. KHAN: No, Your Honor, but
2 3 4 5 6 7	THE COURT: You agree with that, Mr. Khan?  MR. KHAN: Yes, Your Honor.  THE COURT: Okay.  MR. KHAN: The specification described  THE COURT: Thank you. Go ahead.  MR. CHEN: Okay. And what Beckman Coulter has pointed to is that there is a first branch and a second	2 3 4 5 6	MR. CHEN: That's correct, Your Honor.  THE COURT: Or not sequential, actually. They occur at the same time.  MR. CHEN: Oh, that that's correct.  THE COURT: Do you dispute that, Mr. Khan?  MR. KHAN: No, Your Honor, but  THE COURT: Okay. Thank you.
2 3 4 5 6 7 8	THE COURT: You agree with that, Mr. Khan?  MR. KHAN: Yes, Your Honor.  THE COURT: Okay.  MR. KHAN: The specification described  THE COURT: Thank you. Go ahead.  MR. CHEN: Okay. And what Beckman Coulter has pointed to is that there is a first branch and a second branch of light.	2 3 4 5 6 7 8	MR. CHEN: That's correct, Your Honor.  THE COURT: Or not sequential, actually. They occur at the same time.  MR. CHEN: Oh, that that's correct.  THE COURT: Do you dispute that, Mr. Khan?  MR. KHAN: No, Your Honor, but  THE COURT: Okay. Thank you.  MR. CHEN: Thank you, Your Honor.
2 3 4 5 6 7 8 9 10	THE COURT: You agree with that, Mr. Khan?  MR. KHAN: Yes, Your Honor.  THE COURT: Okay.  MR. KHAN: The specification described  THE COURT: Thank you. Go ahead.  MR. CHEN: Okay. And what Beckman Coulter has pointed to is that there is a first branch and a second branch of light.  And what I'm saying, it's irrelevant which one you call the first branch and the second branch here, and here's the reason why.	2 3 4 5 6 7 8 9 10	MR. CHEN: That's correct, Your Honor.  THE COURT: Or not sequential, actually. They occur at the same time.  MR. CHEN: Oh, that that's correct.  THE COURT: Do you dispute that, Mr. Khan?  MR. KHAN: No, Your Honor, but  THE COURT: Okay. Thank you.  MR. CHEN: Thank you, Your Honor.  THE COURT: I will give you your chance. You get to come back. Don't worry.  All right. So, yeah, okay, so Claim 6, not
2 3 4 5 6 7 8 9 10 11	THE COURT: You agree with that, Mr. Khan?  MR. KHAN: Yes, Your Honor.  THE COURT: Okay.  MR. KHAN: The specification described  THE COURT: Thank you. Go ahead.  MR. CHEN: Okay. And what Beckman Coulter has pointed to is that there is a first branch and a second branch of light.  And what I'm saying, it's irrelevant which one you call the first branch and the second branch here, and here's the reason why.  The light is being split at the same point	2 3 4 5 6 7 8 9 10 11 12	MR. CHEN: That's correct, Your Honor.  THE COURT: Or not sequential, actually. They occur at the same time.  MR. CHEN: Oh, that that's correct.  THE COURT: Do you dispute that, Mr. Khan?  MR. KHAN: No, Your Honor, but  THE COURT: Okay. Thank you.  MR. CHEN: Thank you, Your Honor.  THE COURT: I will give you your chance. You get to come back. Don't worry.  All right. So, yeah, okay, so Claim 6, not that good.
2 3 4 5 6 7 8 9 10 11 12	THE COURT: You agree with that, Mr. Khan?  MR. KHAN: Yes, Your Honor.  THE COURT: Okay.  MR. KHAN: The specification described  THE COURT: Thank you. Go ahead.  MR. CHEN: Okay. And what Beckman Coulter has pointed to is that there is a first branch and a second branch of light.  And what I'm saying, it's irrelevant which one you call the first branch and the second branch here, and here's the reason why.  The light is being split at the same point and the same time. That's very different when the	2 3 4 5 6 7 8 9 10 11 12 13	MR. CHEN: That's correct, Your Honor.  THE COURT: Or not sequential, actually. They occur at the same time.  MR. CHEN: Oh, that that's correct.  THE COURT: Do you dispute that, Mr. Khan?  MR. KHAN: No, Your Honor, but  THE COURT: Okay. Thank you.  MR. CHEN: Thank you, Your Honor.  THE COURT: I will give you your chance. You get to come back. Don't worry.  All right. So, yeah, okay, so Claim 6, not that good.  MR. CHEN: Okay.
2 3 4 5 6 7 8 9 10 11 12 13	THE COURT: You agree with that, Mr. Khan?  MR. KHAN: Yes, Your Honor.  THE COURT: Okay.  MR. KHAN: The specification described  THE COURT: Thank you. Go ahead.  MR. CHEN: Okay. And what Beckman Coulter has pointed to is that there is a first branch and a second branch of light.  And what I'm saying, it's irrelevant which one you call the first branch and the second branch here, and here's the reason why.  The light is being split at the same point and the same time. That's very different when the  when you're talking about the flow of light being	2 3 4 5 6 7 8 9 10 11 12 13	MR. CHEN: That's correct, Your Honor.  THE COURT: Or not sequential, actually. They occur at the same time.  MR. CHEN: Oh, that that's correct.  THE COURT: Do you dispute that, Mr. Khan?  MR. KHAN: No, Your Honor, but  THE COURT: Okay. Thank you.  MR. CHEN: Thank you, Your Honor.  THE COURT: I will give you your chance. You get to come back. Don't worry.  All right. So, yeah, okay, so Claim 6, not that good.  MR. CHEN: Okay.  THE COURT: I was thinking of another claim
2 3 4 5 6 7 8 9 10 11 12 13 14	THE COURT: You agree with that, Mr. Khan?  MR. KHAN: Yes, Your Honor.  THE COURT: Okay.  MR. KHAN: The specification described  THE COURT: Thank you. Go ahead.  MR. CHEN: Okay. And what Beckman Coulter has pointed to is that there is a first branch and a second branch of light.  And what I'm saying, it's irrelevant which one you call the first branch and the second branch here, and here's the reason why.  The light is being split at the same point and the same time. That's very different when the  when you're talking about the flow of light being received first by a first dichroic filter and a second	2 3 4 5 6 7 8 9 10 11 12 13 14	MR. CHEN: That's correct, Your Honor.  THE COURT: Or not sequential, actually. They occur at the same time.  MR. CHEN: Oh, that that's correct.  THE COURT: Do you dispute that, Mr. Khan?  MR. KHAN: No, Your Honor, but  THE COURT: Okay. Thank you.  MR. CHEN: Thank you, Your Honor.  THE COURT: I will give you your chance. You get to come back. Don't worry.  All right. So, yeah, okay, so Claim 6, not that good.  MR. CHEN: Okay.  THE COURT: I was thinking of another claim that was more compelling but you go ahead.
2 3 4 5 6 7 8 9 10 11 12 13 14 15	THE COURT: You agree with that, Mr. Khan?  MR. KHAN: Yes, Your Honor.  THE COURT: Okay.  MR. KHAN: The specification described  THE COURT: Thank you. Go ahead.  MR. CHEN: Okay. And what Beckman Coulter has pointed to is that there is a first branch and a second branch of light.  And what I'm saying, it's irrelevant which one you call the first branch and the second branch here, and here's the reason why.  The light is being split at the same point and the same time. That's very different when the  when you're talking about the flow of light being received first by a first dichroic filter and a second dichroic filter.	2 3 4 5 6 7 8 9 10 11 12 13 14 15	MR. CHEN: That's correct, Your Honor.  THE COURT: Or not sequential, actually. They occur at the same time.  MR. CHEN: Oh, that that's correct.  THE COURT: Do you dispute that, Mr. Khan?  MR. KHAN: No, Your Honor, but  THE COURT: Okay. Thank you.  MR. CHEN: Thank you, Your Honor.  THE COURT: I will give you your chance. You get to come back. Don't worry.  All right. So, yeah, okay, so Claim 6, not that good.  MR. CHEN: Okay.  THE COURT: I was thinking of another claim that was more compelling but you go ahead.  What else?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	THE COURT: You agree with that, Mr. Khan?  MR. KHAN: Yes, Your Honor.  THE COURT: Okay.  MR. KHAN: The specification described  THE COURT: Thank you. Go ahead.  MR. CHEN: Okay. And what Beckman Coulter has pointed to is that there is a first branch and a second branch of light.  And what I'm saying, it's irrelevant which one you call the first branch and the second branch here, and here's the reason why.  The light is being split at the same point and the same time. That's very different when the when you're talking about the flow of light being received first by a first dichroic filter and a second dichroic filter.  So that's a readily distinguishable way to	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	MR. CHEN: That's correct, Your Honor.  THE COURT: Or not sequential, actually. They occur at the same time.  MR. CHEN: Oh, that that's correct.  THE COURT: Do you dispute that, Mr. Khan?  MR. KHAN: No, Your Honor, but  THE COURT: Okay. Thank you.  MR. CHEN: Thank you, Your Honor.  THE COURT: I will give you your chance. You get to come back. Don't worry.  All right. So, yeah, okay, so Claim 6, not that good.  MR. CHEN: Okay.  THE COURT: I was thinking of another claim that was more compelling but you go ahead.  What else?  MR. CHEN: '443, dependent Claim 10, they
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	THE COURT: You agree with that, Mr. Khan?  MR. KHAN: Yes, Your Honor.  THE COURT: Okay.  MR. KHAN: The specification described  THE COURT: Thank you. Go ahead.  MR. CHEN: Okay. And what Beckman Coulter has pointed to is that there is a first branch and a second branch of light.  And what I'm saying, it's irrelevant which one you call the first branch and the second branch here, and here's the reason why.  The light is being split at the same point and the same time. That's very different when the when you're talking about the flow of light being received first by a first dichroic filter and a second dichroic filter.  So that's a readily distinguishable way to distinguish their '582 Claim 6 argument.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	MR. CHEN: That's correct, Your Honor.  THE COURT: Or not sequential, actually. They occur at the same time.  MR. CHEN: Oh, that that's correct.  THE COURT: Do you dispute that, Mr. Khan?  MR. KHAN: No, Your Honor, but  THE COURT: Okay. Thank you.  MR. CHEN: Thank you, Your Honor.  THE COURT: I will give you your chance. You get to come back. Don't worry.  All right. So, yeah, okay, so Claim 6, not that good.  MR. CHEN: Okay.  THE COURT: I was thinking of another claim that was more compelling but you go ahead.  What else?  MR. CHEN: '443, dependent Claim 10, they point to that.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	THE COURT: You agree with that, Mr. Khan?  MR. KHAN: Yes, Your Honor.  THE COURT: Okay.  MR. KHAN: The specification described  THE COURT: Thank you. Go ahead.  MR. CHEN: Okay. And what Beckman Coulter has pointed to is that there is a first branch and a second branch of light.  And what I'm saying, it's irrelevant which one you call the first branch and the second branch here, and here's the reason why.  The light is being split at the same point and the same time. That's very different when the when you're talking about the flow of light being received first by a first dichroic filter and a second dichroic filter.  So that's a readily distinguishable way to distinguish their '582 Claim 6 argument.  THE COURT: Okay. Hold up. Give me a second.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	MR. CHEN: That's correct, Your Honor.  THE COURT: Or not sequential, actually. They occur at the same time.  MR. CHEN: Oh, that that's correct.  THE COURT: Do you dispute that, Mr. Khan?  MR. KHAN: No, Your Honor, but  THE COURT: Okay. Thank you.  MR. CHEN: Thank you, Your Honor.  THE COURT: I will give you your chance. You get to come back. Don't worry.  All right. So, yeah, okay, so Claim 6, not that good.  MR. CHEN: Okay.  THE COURT: I was thinking of another claim that was more compelling but you go ahead.  What else?  MR. CHEN: '443, dependent Claim 10, they point to that.  THE COURT: Yep. Hold up.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	THE COURT: You agree with that, Mr. Khan?  MR. KHAN: Yes, Your Honor.  THE COURT: Okay.  MR. KHAN: The specification described  THE COURT: Thank you. Go ahead.  MR. CHEN: Okay. And what Beckman Coulter has pointed to is that there is a first branch and a second branch of light.  And what I'm saying, it's irrelevant which one you call the first branch and the second branch here, and here's the reason why.  The light is being split at the same point and the same time. That's very different when the when you're talking about the flow of light being received first by a first dichroic filter and a second dichroic filter.  So that's a readily distinguishable way to distinguish their '582 Claim 6 argument.  THE COURT: Okay. Hold up. Give me a second. Okay. So, in other words, in Joe six-pack	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	MR. CHEN: That's correct, Your Honor.  THE COURT: Or not sequential, actually. They occur at the same time.  MR. CHEN: Oh, that that's correct.  THE COURT: Do you dispute that, Mr. Khan?  MR. KHAN: No, Your Honor, but  THE COURT: Okay. Thank you.  MR. CHEN: Thank you, Your Honor.  THE COURT: I will give you your chance. You get to come back. Don't worry.  All right. So, yeah, okay, so Claim 6, not that good.  MR. CHEN: Okay.  THE COURT: I was thinking of another claim that was more compelling but you go ahead.  What else?  MR. CHEN: '443, dependent Claim 10, they point to that.  THE COURT: Yep. Hold up.  MR. CHEN: This is our Slide 16.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	THE COURT: You agree with that, Mr. Khan?  MR. KHAN: Yes, Your Honor.  THE COURT: Okay.  MR. KHAN: The specification described  THE COURT: Thank you. Go ahead.  MR. CHEN: Okay. And what Beckman Coulter has pointed to is that there is a first branch and a second branch of light.  And what I'm saying, it's irrelevant which one you call the first branch and the second branch here, and here's the reason why.  The light is being split at the same point and the same time. That's very different when the when you're talking about the flow of light being received first by a first dichroic filter and a second dichroic filter.  So that's a readily distinguishable way to distinguish their '582 Claim 6 argument.  THE COURT: Okay. Hold up. Give me a second. Okay. So, in other words, in Joe six-pack terms, Claim 6 doesn't have to be read that the first	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	MR. CHEN: That's correct, Your Honor.  THE COURT: Or not sequential, actually. They occur at the same time.  MR. CHEN: Oh, that that's correct.  THE COURT: Do you dispute that, Mr. Khan?  MR. KHAN: No, Your Honor, but  THE COURT: Okay. Thank you.  MR. CHEN: Thank you, Your Honor.  THE COURT: I will give you your chance. You get to come back. Don't worry.  All right. So, yeah, okay, so Claim 6, not that good.  MR. CHEN: Okay.  THE COURT: I was thinking of another claim that was more compelling but you go ahead.  What else?  MR. CHEN: '443, dependent Claim 10, they point to that.  THE COURT: Yep. Hold up.  MR. CHEN: This is our Slide 16.  THE COURT: Yep.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	THE COURT: You agree with that, Mr. Khan?  MR. KHAN: Yes, Your Honor.  THE COURT: Okay.  MR. KHAN: The specification described  THE COURT: Thank you. Go ahead.  MR. CHEN: Okay. And what Beckman Coulter has pointed to is that there is a first branch and a second branch of light.  And what I'm saying, it's irrelevant which one you call the first branch and the second branch here, and here's the reason why.  The light is being split at the same point and the same time. That's very different when the when you're talking about the flow of light being received first by a first dichroic filter and a second dichroic filter.  So that's a readily distinguishable way to distinguish their '582 Claim 6 argument.  THE COURT: Okay. Hold up. Give me a second.  Okay. So, in other words, in Joe six-pack terms, Claim 6 doesn't have to be read that the first and second filters are sequential because you can read	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	MR. CHEN: That's correct, Your Honor.  THE COURT: Or not sequential, actually. They occur at the same time.  MR. CHEN: Oh, that that's correct.  THE COURT: Do you dispute that, Mr. Khan?  MR. KHAN: No, Your Honor, but  THE COURT: Okay. Thank you.  MR. CHEN: Thank you, Your Honor.  THE COURT: I will give you your chance. You get to come back. Don't worry.  All right. So, yeah, okay, so Claim 6, not that good.  MR. CHEN: Okay.  THE COURT: I was thinking of another claim that was more compelling but you go ahead.  What else?  MR. CHEN: '443, dependent Claim 10, they point to that.  THE COURT: Yep. Hold up.  MR. CHEN: This is our Slide 16.  THE COURT: Yep.  MR. CHEN: And I have the claim language here
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	THE COURT: You agree with that, Mr. Khan?  MR. KHAN: Yes, Your Honor.  THE COURT: Okay.  MR. KHAN: The specification described  THE COURT: Thank you. Go ahead.  MR. CHEN: Okay. And what Beckman Coulter has pointed to is that there is a first branch and a second branch of light.  And what I'm saying, it's irrelevant which one you call the first branch and the second branch here, and here's the reason why.  The light is being split at the same point and the same time. That's very different when the when you're talking about the flow of light being received first by a first dichroic filter and a second dichroic filter.  So that's a readily distinguishable way to distinguish their '582 Claim 6 argument.  THE COURT: Okay. Hold up. Give me a second.  Okay. So, in other words, in Joe six-pack terms, Claim 6 doesn't have to be read that the first and it consistent with Figure 25 to say that the first and	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	MR. CHEN: That's correct, Your Honor.  THE COURT: Or not sequential, actually. They  occur at the same time.  MR. CHEN: Oh, that that's correct.  THE COURT: Do you dispute that, Mr. Khan?  MR. KHAN: No, Your Honor, but  THE COURT: Okay. Thank you.  MR. CHEN: Thank you, Your Honor.  THE COURT: I will give you your chance. You get to come back. Don't worry.  All right. So, yeah, okay, so Claim 6, not that good.  MR. CHEN: Okay.  THE COURT: I was thinking of another claim that was more compelling but you go ahead.  What else?  MR. CHEN: '443, dependent Claim 10, they point to that.  THE COURT: Yep. Hold up.  MR. CHEN: This is our Slide 16.  THE COURT: Yep.  MR. CHEN: And I have the claim language here this time.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	THE COURT: You agree with that, Mr. Khan?  MR. KHAN: Yes, Your Honor.  THE COURT: Okay.  MR. KHAN: The specification described  THE COURT: Thank you. Go ahead.  MR. CHEN: Okay. And what Beckman Coulter has pointed to is that there is a first branch and a second branch of light.  And what I'm saying, it's irrelevant which one you call the first branch and the second branch here, and here's the reason why.  The light is being split at the same point and the same time. That's very different when the when you're talking about the flow of light being received first by a first dichroic filter and a second dichroic filter.  So that's a readily distinguishable way to distinguish their '582 Claim 6 argument.  THE COURT: Okay. Hold up. Give me a second. Okay. So, in other words, in Joe six-pack terms, Claim 6 doesn't have to be read that the first and second filters are sequential because you can read it consistent with Figure 25 to say that the first and second rays or what do they call it first and	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	MR. CHEN: That's correct, Your Honor.  THE COURT: Or not sequential, actually. They occur at the same time.  MR. CHEN: Oh, that that's correct.  THE COURT: Do you dispute that, Mr. Khan?  MR. KHAN: No, Your Honor, but  THE COURT: Okay. Thank you.  MR. CHEN: Thank you, Your Honor.  THE COURT: I will give you your chance. You get to come back. Don't worry.  All right. So, yeah, okay, so Claim 6, not that good.  MR. CHEN: Okay.  THE COURT: I was thinking of another claim that was more compelling but you go ahead.  What else?  MR. CHEN: '443, dependent Claim 10, they point to that.  THE COURT: Yep. Hold up.  MR. CHEN: This is our Slide 16.  THE COURT: Yep.  MR. CHEN: And I have the claim language here this time.  So they argue that based on claim
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	THE COURT: You agree with that, Mr. Khan?  MR. KHAN: Yes, Your Honor.  THE COURT: Okay.  MR. KHAN: The specification described  THE COURT: Thank you. Go ahead.  MR. CHEN: Okay. And what Beckman Coulter has pointed to is that there is a first branch and a second branch of light.  And what I'm saying, it's irrelevant which one you call the first branch and the second branch here, and here's the reason why.  The light is being split at the same point and the same time. That's very different when the when you're talking about the flow of light being received first by a first dichroic filter and a second dichroic filter.  So that's a readily distinguishable way to distinguish their '582 Claim 6 argument.  THE COURT: Okay. Hold up. Give me a second.  Okay. So, in other words, in Joe six-pack terms, Claim 6 doesn't have to be read that the first and it consistent with Figure 25 to say that the first and	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	MR. CHEN: That's correct, Your Honor.  THE COURT: Or not sequential, actually. They  occur at the same time.  MR. CHEN: Oh, that that's correct.  THE COURT: Do you dispute that, Mr. Khan?  MR. KHAN: No, Your Honor, but  THE COURT: Okay. Thank you.  MR. CHEN: Thank you, Your Honor.  THE COURT: I will give you your chance. You get to come back. Don't worry.  All right. So, yeah, okay, so Claim 6, not that good.  MR. CHEN: Okay.  THE COURT: I was thinking of another claim that was more compelling but you go ahead.  What else?  MR. CHEN: '443, dependent Claim 10, they point to that.  THE COURT: Yep. Hold up.  MR. CHEN: This is our Slide 16.  THE COURT: Yep.  MR. CHEN: And I have the claim language here this time.

	Case 1:24-cv-00945-CFC-EGT		192-1 13442	Filed 10/24/25	Page 11 of 50 PageID
1	and, again, this is in a subsequent patent, that	that	1	remembered this.	
2	they distinguish that from "first." Not true.		2	MR. CHEN:	Okay.
3	When we look at their infringement		3	THE COURT:	Okay.
4	contentions with regards to the claim term "init	ial	4	MR. CHEN:	My apologies, Your Honor.
5	filter," this is what they say. They say: "Any	of the	5	THE COURT:	Hold on a second.
6	filters in a coarse wavelength division multiples	ker is a	6	I don't ren	member it. Okay. So it wasn't in
7	first filter."		7	the brief.	
8	Any of them. Any of them in a series	can be	8	All right.	Well, actually, so what you're
9	the first one, or according to them, which is ac	tually	9	saying, as I understar	nd it here
10	opposite of what we heard from counsel a few minu	ites ago	10	And what sl	lide is this?
11	when we were talking about Figure 25 and the fir	st	11	MR. CHEN:	Slide 16, Your Honor.
12	dichroic filter being 903		12	THE COURT:	Why don't you let Mr. Khan speak
13	THE COURT: Well, maybe that's importa	ant, but	13	for a second, please.	
14	I think you're going off on, from my mind, a tang	ent, and	14	MR. CHEN:	Sure. Of course.
15	yet this is a pretty compelling point.		15	THE COURT:	Thanks.
16	Because when I read this, I thought t	his was	16	So, Mr. Kha	an, I told you I thought the claims
17	one of their better arguments.		17	kind of went in your f	favor, and actually I had this
18	MR. CHEN: Right.		18	claim in mind.	
19	THE COURT: So, and what you're telli	ng me	19	MR. KHAN:	Right.
20	is		20	THE COURT:	But I've got to admit, reading
21	Was this in the brief that you had?		21	your infringement cont	centions of February 14, 2025,
22	MR. CHEN: I believe we addressed this	s in the	22	causes me to think tha	t maybe I gave you too much credit.
23	brief. No? Okay. Sorry, Your Honor, if we did	n't, so	23	So help me out.	
24	yeah.		24	MR. KHAN:	Yes, Your Honor. So
25	THE COURT: Yeah, I think I would hav	e	25	THE COURT:	And just to be clear, why, right?
1	Because the reason why I thought it was a compel	39 ling	1	first, what we're talk	40
2	argument in the briefing was because Claim 10, w	hich	2	is an initial filter of	of the set of filters.
3	depends from Claim 9, which depends from Claim 1,	speaks	3	THE COURT:	Right.
4	of, in Claim 10, of a first filter that is the i	nitial	4	MR. KHAN:	So the dispute we're having with
5	filter.		5	them is about which or	ne would qualify as an initial
6	MR. KHAN: Right.		6	filter.	
7	THE COURT: And since that's claimed,	again	7	And, you kr	now, that is not a question
8	putting aside the potential for attorney manipula	tion and	8	that's not a dispute a	about which one is the first
9	whatnot, but since it's claimed, that would sugge	est that	9	filter. The and so	that's a different dispute from
10	you can have a first filter that's not the initi	al	10	the one that's before	the Court right now.
11	filter.		11	THE COURT:	No, no, no. Sorry.
12	MR. KHAN: Right.		12	MR. KHAN:	Yeah.
13	THE COURT: I thought that was pretty		13	THE COURT:	I think I ought to press you back
14	compelling argument. But then it looks like in	your	14	on this.	
15	infringement contentions you are saying, no, no,	no, no.	15	MR. KHAN:	Sure.
16	Any of the filters in a coarse wavelength divisi	on	16	THE COURT:	So the infringement contention is
17	multiplexer is a first filter.		17	for Claim 10. And Cla	im 10 reads, in relevant part, "The
18	It's not. So can you respond to that	what's	18	first filter is an ini	tial filter of the set of filters."
19	going on?		19	And then th	ne contention made by your client
20	MR. KHAN: I think, Your Honor, the is	sue here	20	is that any of the fil	lters in a coarse wavelength
21	is that these are the		21	division multiplexer	is a first filter, including
22	So, first of all, the infringement		22	filters which are not	immediately subsequent to the
23	contentions here are incomplete. So first		23	collimation lens along	g the optical paths.
24	THE COURT: They're what? Sorry.		24	In other wo	ords, you're not limiting it to
25	MR. KHAN: They're incomplete, right?	So	25	what I would have thou	aght was an initial filter because

	Case 1:24-cv-00945-CFC-EGT Document	192-1 13443	Filed 10/24/25 Page 12 of 50 PageID
1	you've got a different definition of initial. So, in	1	MR. KHAN: Yeah.
2	other words	2	THE COURT: You know, I found pretty
3	Yeah, well, I've got to say, I don't	3	compelling the "initial."
4	understand it.	4	MR. KHAN: Right.
5	MR. KHAN: Yeah, let me try a different way.	5	THE COURT: The use of the word "initial" in
6	First, this is referring to Claim 9. So the	6	Claim 10. I thought it was your most compelling
7	Claim 9 does not have the initial filter limitation,	7	argument.
8	right?	8	MR. KHAN: Right. And what I would say, Your
9	So this is saying any Claim 9, when we were	9	Honor, just to back up, is that to the extent that
10	looking at Claim 9, any of the first filters can be a	10	there's an infringement dispute over what is or is not
11	filter that's not subsequent to the collimation lens,	11	initial filter, that's not an issue before the Court
12	right?	12	today.
13	THE COURT: Yeah.	13	The only issue before the Court is whether
14	MR. KHAN: So this is not saying that which	14	first and second across the claims that
15	one is the first which one is the initial filter.	15	THE COURT: No. Time out. Time out.
16	Right?	16	MR. KHAN: Yeah.
17	THE COURT: Okay. So did you have	17	THE COURT: You're right infringement's not at
18	Then maybe, because it is cut off, did you	18	issue right now.
19	then clarify that for Claim 10.	19	MR. KHAN: Right.
20	I mean, do you have your entire contention?	20	THE COURT: But what's at issue is the
21	Can I see it?	21	construction of first filter.
22	MR. KHAN: I don't believe they're in the	22	MR. KHAN: Right.
23	record, Your Honor. This is not in the record.	23	THE COURT: And, necessarily because of the
24	THE COURT: I know, but this is really	24	argument you've made, the construction of initial.
25	important.	25	MR. KHAN: Yeah.
	43		44
1	43  THE COURT: So I thought initial would have	1	THE COURT: Okay.
2		2	THE COURT: Okay.  MR. KHAN: And we can agree with that, to the
	THE COURT: So I thought initial would have meant first temporally, or first sequentially. But according to your infringement contentions of		THE COURT: Okay.  MR. KHAN: And we can agree with that, to the extent that the Court is concerned about that, I can
2 3 4	THE COURT: So I thought initial would have meant first temporally, or first sequentially. But according to your infringement contentions of February 14, 2025, that's not the case. You're not	2 3 4	THE COURT: Okay.  MR. KHAN: And we can agree with that, to the extent that the Court is concerned about that, I can agree to that today. And
2 3 4 5	THE COURT: So I thought initial would have meant first temporally, or first sequentially. But according to your infringement contentions of February 14, 2025, that's not the case. You're not reading initial to be first sequentially or temporally.	2 3 4 5	THE COURT: Okay.  MR. KHAN: And we can agree with that, to the extent that the Court is concerned about that, I can agree to that today. And  THE COURT: Well, then I'm concerned about the
2 3 4 5	THE COURT: So I thought initial would have meant first temporally, or first sequentially. But according to your infringement contentions of February 14, 2025, that's not the case. You're not reading initial to be first sequentially or temporally.  MR. KHAN: We are I don't have the rest of	2 3 4 5 6	THE COURT: Okay.  MR. KHAN: And we can agree with that, to the extent that the Court is concerned about that, I can agree to that today. And  THE COURT: Well, then I'm concerned about the contention you served.
2 3 4 5 6 7	THE COURT: So I thought initial would have meant first temporally, or first sequentially. But according to your infringement contentions of February 14, 2025, that's not the case. You're not reading initial to be first sequentially or temporally.  MR. KHAN: We are I don't have the rest of the contentions in front of me, Your Honor, and we can	2 3 4 5 6	THE COURT: Okay.  MR. KHAN: And we can agree with that, to the extent that the Court is concerned about that, I can agree to that today. And  THE COURT: Well, then I'm concerned about the contention you served.  So do me a favor, we will come back to it.
2 3 4 5 6 7 8	THE COURT: So I thought initial would have meant first temporally, or first sequentially. But according to your infringement contentions of February 14, 2025, that's not the case. You're not reading initial to be first sequentially or temporally.  MR. KHAN: We are I don't have the rest of the contentions in front of me, Your Honor, and we can find them. But if you look at the claim, it says	2 3 4 5 6 7 8	THE COURT: Okay.  MR. KHAN: And we can agree with that, to the extent that the Court is concerned about that, I can agree to that today. And  THE COURT: Well, then I'm concerned about the contention you served.  So do me a favor, we will come back to it.  You pull up the contentions, and then I'll have Mr. Chen
2 3 4 5 6 7 8	THE COURT: So I thought initial would have meant first temporally, or first sequentially. But according to your infringement contentions of February 14, 2025, that's not the case. You're not reading initial to be first sequentially or temporally.  MR. KHAN: We are I don't have the rest of the contentions in front of me, Your Honor, and we can find them. But if you look at the claim, it says "initial filter of the set of filters."	2 3 4 5 6 7 8 9	THE COURT: Okay.  MR. KHAN: And we can agree with that, to the extent that the Court is concerned about that, I can agree to that today. And  THE COURT: Well, then I'm concerned about the contention you served.  So do me a favor, we will come back to it.  You pull up the contentions, and then I'll have Mr. Chen come back.
2 3 4 5 6 7 8 9	THE COURT: So I thought initial would have meant first temporally, or first sequentially. But according to your infringement contentions of February 14, 2025, that's not the case. You're not reading initial to be first sequentially or temporally.  MR. KHAN: We are I don't have the rest of the contentions in front of me, Your Honor, and we can find them. But if you look at the claim, it says "initial filter of the set of filters."  THE COURT: Right.	2 3 4 5 6 7 8 9	THE COURT: Okay.  MR. KHAN: And we can agree with that, to the extent that the Court is concerned about that, I can agree to that today. And  THE COURT: Well, then I'm concerned about the contention you served.  So do me a favor, we will come back to it.  You pull up the contentions, and then I'll have Mr. Chen come back.  MR. KHAN: Okay.
2 3 4 5 6 7 8 9 10	THE COURT: So I thought initial would have meant first temporally, or first sequentially. But according to your infringement contentions of February 14, 2025, that's not the case. You're not reading initial to be first sequentially or temporally.  MR. KHAN: We are I don't have the rest of the contentions in front of me, Your Honor, and we can find them. But if you look at the claim, it says "initial filter of the set of filters."  THE COURT: Right.  MR. KHAN: I have no doubt that in that	2 3 4 5 6 7 8 9 10	THE COURT: Okay.  MR. KHAN: And we can agree with that, to the extent that the Court is concerned about that, I can agree to that today. And  THE COURT: Well, then I'm concerned about the contention you served.  So do me a favor, we will come back to it.  You pull up the contentions, and then I'll have Mr. Chen come back.  MR. KHAN: Okay.  THE COURT: All right?
2 3 4 5 6 7 8 9 10 11	THE COURT: So I thought initial would have meant first temporally, or first sequentially. But according to your infringement contentions of February 14, 2025, that's not the case. You're not reading initial to be first sequentially or temporally.  MR. KHAN: We are I don't have the rest of the contentions in front of me, Your Honor, and we can find them. But if you look at the claim, it says "initial filter of the set of filters."  THE COURT: Right.  MR. KHAN: I have no doubt that in that instance what we did was identify the first sequential	2 3 4 5 6 7 8 9 10 11 12	THE COURT: Okay.  MR. KHAN: And we can agree with that, to the extent that the Court is concerned about that, I can agree to that today. And  THE COURT: Well, then I'm concerned about the contention you served.  So do me a favor, we will come back to it.  You pull up the contentions, and then I'll have Mr. Chen come back.  MR. KHAN: Okay.  THE COURT: All right?  MR. KHAN: Thank you.
2 3 4 5 6 7 8 9 10 11 12 13	THE COURT: So I thought initial would have meant first temporally, or first sequentially. But according to your infringement contentions of February 14, 2025, that's not the case. You're not reading initial to be first sequentially or temporally.  MR. KHAN: We are I don't have the rest of the contentions in front of me, Your Honor, and we can find them. But if you look at the claim, it says "initial filter of the set of filters."  THE COURT: Right.  MR. KHAN: I have no doubt that in that instance what we did was identify the first sequential filter in the set of filters.	2 3 4 5 6 7 8 9 10 11 12 13	THE COURT: Okay.  MR. KHAN: And we can agree with that, to the extent that the Court is concerned about that, I can agree to that today. And  THE COURT: Well, then I'm concerned about the contention you served.  So do me a favor, we will come back to it.  You pull up the contentions, and then I'll have Mr. Chen come back.  MR. KHAN: Okay.  THE COURT: All right?  MR. KHAN: Thank you.  THE COURT: Thank you.
2 3 4 5 6 7 8 9 10 11 12 13	THE COURT: So I thought initial would have meant first temporally, or first sequentially. But according to your infringement contentions of February 14, 2025, that's not the case. You're not reading initial to be first sequentially or temporally.  MR. KHAN: We are I don't have the rest of the contentions in front of me, Your Honor, and we can find them. But if you look at the claim, it says "initial filter of the set of filters."  THE COURT: Right.  MR. KHAN: I have no doubt that in that instance what we did was identify the first sequential filter in the set of filters.  THE COURT: Why don't you pull up the	2 3 4 5 6 7 8 9 10 11 12 13	THE COURT: Okay.  MR. KHAN: And we can agree with that, to the extent that the Court is concerned about that, I can agree to that today. And  THE COURT: Well, then I'm concerned about the contention you served.  So do me a favor, we will come back to it.  You pull up the contentions, and then I'll have Mr. Chen come back.  MR. KHAN: Okay.  THE COURT: All right?  MR. KHAN: Thank you.  THE COURT: Thank you.  So look, you know, until they come up with
2 3 4 5 6 7 8 9 10 11 12 13 14	THE COURT: So I thought initial would have meant first temporally, or first sequentially. But according to your infringement contentions of February 14, 2025, that's not the case. You're not reading initial to be first sequentially or temporally.  MR. KHAN: We are I don't have the rest of the contentions in front of me, Your Honor, and we can find them. But if you look at the claim, it says "initial filter of the set of filters."  THE COURT: Right.  MR. KHAN: I have no doubt that in that instance what we did was identify the first sequential filter in the set of filters.  THE COURT: Why don't you pull up the Interrogatories. Because the excerpts that are presented	2 3 4 5 6 7 8 9 10 11 12 13 14	THE COURT: Okay.  MR. KHAN: And we can agree with that, to the extent that the Court is concerned about that, I can agree to that today. And  THE COURT: Well, then I'm concerned about the contention you served.  So do me a favor, we will come back to it.  You pull up the contentions, and then I'll have Mr. Chen come back.  MR. KHAN: Okay.  THE COURT: All right?  MR. KHAN: Thank you.  THE COURT: Thank you.  So look, you know, until they come up with it, I can understand
2 3 4 5 6 7 8 9 10 11 12 13 14 15	THE COURT: So I thought initial would have meant first temporally, or first sequentially. But according to your infringement contentions of February 14, 2025, that's not the case. You're not reading initial to be first sequentially or temporally.  MR. KHAN: We are I don't have the rest of the contentions in front of me, Your Honor, and we can find them. But if you look at the claim, it says "initial filter of the set of filters."  THE COURT: Right.  MR. KHAN: I have no doubt that in that instance what we did was identify the first sequential filter in the set of filters.  THE COURT: Why don't you pull up the Interrogatories. Because the excerpts that are presented here would suggest the would not suggest that at all.	2 3 4 5 6 7 8 9 10 11 12 13 14 15	THE COURT: Okay.  MR. KHAN: And we can agree with that, to the extent that the Court is concerned about that, I can agree to that today. And  THE COURT: Well, then I'm concerned about the contention you served.  So do me a favor, we will come back to it.  You pull up the contentions, and then I'll have Mr. Chen come back.  MR. KHAN: Okay.  THE COURT: All right?  MR. KHAN: Thank you.  THE COURT: Thank you.  So look, you know, until they come up with it, I can understand  I mean, look, very good argument. It wasn't
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	THE COURT: So I thought initial would have meant first temporally, or first sequentially. But according to your infringement contentions of February 14, 2025, that's not the case. You're not reading initial to be first sequentially or temporally.  MR. KHAN: We are I don't have the rest of the contentions in front of me, Your Honor, and we can find them. But if you look at the claim, it says "initial filter of the set of filters."  THE COURT: Right.  MR. KHAN: I have no doubt that in that instance what we did was identify the first sequential filter in the set of filters.  THE COURT: Why don't you pull up the Interrogatories. Because the excerpts that are presented here would suggest the would not suggest that at all.  MR. KHAN: Right.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	THE COURT: Okay.  MR. KHAN: And we can agree with that, to the extent that the Court is concerned about that, I can agree to that today. And  THE COURT: Well, then I'm concerned about the contention you served.  So do me a favor, we will come back to it.  You pull up the contentions, and then I'll have Mr. Chen come back.  MR. KHAN: Okay.  THE COURT: All right?  MR. KHAN: Thank you.  THE COURT: Thank you.  So look, you know, until they come up with it, I can understand  I mean, look, very good argument. It wasn't in your brief, so I've got to figure out what that
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	THE COURT: So I thought initial would have meant first temporally, or first sequentially. But according to your infringement contentions of February 14, 2025, that's not the case. You're not reading initial to be first sequentially or temporally.  MR. KHAN: We are I don't have the rest of the contentions in front of me, Your Honor, and we can find them. But if you look at the claim, it says "initial filter of the set of filters."  THE COURT: Right.  MR. KHAN: I have no doubt that in that instance what we did was identify the first sequential filter in the set of filters.  THE COURT: Why don't you pull up the Interrogatories. Because the excerpts that are presented here would suggest the would not suggest that at all.  MR. KHAN: Right.  THE COURT: In fact, it would suggest the	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	THE COURT: Okay.  MR. KHAN: And we can agree with that, to the extent that the Court is concerned about that, I can agree to that today. And  THE COURT: Well, then I'm concerned about the contention you served.  So do me a favor, we will come back to it.  You pull up the contentions, and then I'll have Mr. Chen come back.  MR. KHAN: Okay.  THE COURT: All right?  MR. KHAN: Thank you.  THE COURT: Thank you.  So look, you know, until they come up with it, I can understand  I mean, look, very good argument. It wasn't in your brief, so I've got to figure out what that means.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	THE COURT: So I thought initial would have meant first temporally, or first sequentially. But according to your infringement contentions of February 14, 2025, that's not the case. You're not reading initial to be first sequentially or temporally.  MR. KHAN: We are I don't have the rest of the contentions in front of me, Your Honor, and we can find them. But if you look at the claim, it says "initial filter of the set of filters."  THE COURT: Right.  MR. KHAN: I have no doubt that in that instance what we did was identify the first sequential filter in the set of filters.  THE COURT: Why don't you pull up the Interrogatories. Because the excerpts that are presented here would suggest the would not suggest that at all.  MR. KHAN: Right.  THE COURT: In fact, it would suggest the opposite.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	THE COURT: Okay.  MR. KHAN: And we can agree with that, to the extent that the Court is concerned about that, I can agree to that today. And  THE COURT: Well, then I'm concerned about the contention you served.  So do me a favor, we will come back to it.  You pull up the contentions, and then I'll have Mr. Chen come back.  MR. KHAN: Okay.  THE COURT: All right?  MR. KHAN: Thank you.  THE COURT: Thank you.  So look, you know, until they come up with it, I can understand  I mean, look, very good argument. It wasn't in your brief, so I've got to figure out what that means.  What else do you have as far as the claims
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	THE COURT: So I thought initial would have meant first temporally, or first sequentially. But according to your infringement contentions of February 14, 2025, that's not the case. You're not reading initial to be first sequentially or temporally.  MR. KHAN: We are I don't have the rest of the contentions in front of me, Your Honor, and we can find them. But if you look at the claim, it says "initial filter of the set of filters."  THE COURT: Right.  MR. KHAN: I have no doubt that in that instance what we did was identify the first sequential filter in the set of filters.  THE COURT: Why don't you pull up the Interrogatories. Because the excerpts that are presented here would suggest the would not suggest that at all.  MR. KHAN: Right.  THE COURT: In fact, it would suggest the opposite.  MR. KHAN: Right. But it's referenced to	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	THE COURT: Okay.  MR. KHAN: And we can agree with that, to the extent that the Court is concerned about that, I can agree to that today. And  THE COURT: Well, then I'm concerned about the contention you served.  So do me a favor, we will come back to it.  You pull up the contentions, and then I'll have Mr. Chen come back.  MR. KHAN: Okay.  THE COURT: All right?  MR. KHAN: Thank you.  THE COURT: Thank you.  So look, you know, until they come up with it, I can understand  I mean, look, very good argument. It wasn't in your brief, so I've got to figure out what that means.  What else do you have as far as the claims before we get to the written description?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	THE COURT: So I thought initial would have meant first temporally, or first sequentially. But according to your infringement contentions of February 14, 2025, that's not the case. You're not reading initial to be first sequentially or temporally.  MR. KHAN: We are I don't have the rest of the contentions in front of me, Your Honor, and we can find them. But if you look at the claim, it says "initial filter of the set of filters."  THE COURT: Right.  MR. KHAN: I have no doubt that in that instance what we did was identify the first sequential filter in the set of filters.  THE COURT: Why don't you pull up the Interrogatories. Because the excerpts that are presented here would suggest the would not suggest that at all.  MR. KHAN: Right.  THE COURT: In fact, it would suggest the opposite.  MR. KHAN: Right. But it's referenced to Claim 9 here.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	MR. KHAN: And we can agree with that, to the extent that the Court is concerned about that, I can agree to that today. And  THE COURT: Well, then I'm concerned about the contention you served.  So do me a favor, we will come back to it.  You pull up the contentions, and then I'll have Mr. Chen come back.  MR. KHAN: Okay.  THE COURT: All right?  MR. KHAN: Thank you.  THE COURT: Thank you.  So look, you know, until they come up with it, I can understand  I mean, look, very good argument. It wasn't in your brief, so I've got to figure out what that means.  What else do you have as far as the claims before we get to the written description?  MR. CHEN: Absolutely, Your Honor. And I do
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	THE COURT: So I thought initial would have meant first temporally, or first sequentially. But according to your infringement contentions of February 14, 2025, that's not the case. You're not reading initial to be first sequentially or temporally.  MR. KHAN: We are I don't have the rest of the contentions in front of me, Your Honor, and we can find them. But if you look at the claim, it says "initial filter of the set of filters."  THE COURT: Right.  MR. KHAN: I have no doubt that in that instance what we did was identify the first sequential filter in the set of filters.  THE COURT: Why don't you pull up the Interrogatories. Because the excerpts that are presented here would suggest the would not suggest that at all.  MR. KHAN: Right.  THE COURT: In fact, it would suggest the opposite.  MR. KHAN: Right. But it's referenced to Claim 9 here.  But anyway, we can pull that up and take a	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	MR. KHAN: And we can agree with that, to the extent that the Court is concerned about that, I can agree to that today. And  THE COURT: Well, then I'm concerned about the contention you served.  So do me a favor, we will come back to it.  You pull up the contentions, and then I'll have Mr. Chen come back.  MR. KHAN: Okay.  THE COURT: All right?  MR. KHAN: Thank you.  THE COURT: Thank you.  So look, you know, until they come up with it, I can understand  I mean, look, very good argument. It wasn't in your brief, so I've got to figure out what that means.  What else do you have as far as the claims before we get to the written description?  MR. CHEN: Absolutely, Your Honor. And I do have the rest of contentions if you want to see them.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	THE COURT: So I thought initial would have meant first temporally, or first sequentially. But according to your infringement contentions of February 14, 2025, that's not the case. You're not reading initial to be first sequentially or temporally.  MR. KHAN: We are I don't have the rest of the contentions in front of me, Your Honor, and we can find them. But if you look at the claim, it says "initial filter of the set of filters."  THE COURT: Right.  MR. KHAN: I have no doubt that in that instance what we did was identify the first sequential filter in the set of filters.  THE COURT: Why don't you pull up the Interrogatories. Because the excerpts that are presented here would suggest the would not suggest that at all.  MR. KHAN: Right.  THE COURT: In fact, it would suggest the opposite.  MR. KHAN: Right. But it's referenced to Claim 9 here.  But anyway, we can pull that up and take a look in the break. But the basic point is initial	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	MR. KHAN: And we can agree with that, to the extent that the Court is concerned about that, I can agree to that today. And  THE COURT: Well, then I'm concerned about the contention you served.  So do me a favor, we will come back to it.  You pull up the contentions, and then I'll have Mr. Chen come back.  MR. KHAN: Okay.  THE COURT: All right?  MR. KHAN: Thank you.  THE COURT: Thank you.  So look, you know, until they come up with it, I can understand  I mean, look, very good argument. It wasn't in your brief, so I've got to figure out what that means.  What else do you have as far as the claims before we get to the written description?  MR. CHEN: Absolutely, Your Honor. And I do have the rest of contentions if you want to see them.  THE COURT: Yeah, actually, but give them to
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	THE COURT: So I thought initial would have meant first temporally, or first sequentially. But according to your infringement contentions of February 14, 2025, that's not the case. You're not reading initial to be first sequentially or temporally.  MR. KHAN: We are I don't have the rest of the contentions in front of me, Your Honor, and we can find them. But if you look at the claim, it says "initial filter of the set of filters."  THE COURT: Right.  MR. KHAN: I have no doubt that in that instance what we did was identify the first sequential filter in the set of filters.  THE COURT: Why don't you pull up the Interrogatories. Because the excerpts that are presented here would suggest the would not suggest that at all.  MR. KHAN: Right.  THE COURT: In fact, it would suggest the opposite.  MR. KHAN: Right. But it's referenced to Claim 9 here.  But anyway, we can pull that up and take a look in the break. But the basic point is initial filter would be the initial, the first sequential in the	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	MR. KHAN: And we can agree with that, to the extent that the Court is concerned about that, I can agree to that today. And  THE COURT: Well, then I'm concerned about the contention you served.  So do me a favor, we will come back to it.  You pull up the contentions, and then I'll have Mr. Chen come back.  MR. KHAN: Okay.  THE COURT: All right?  MR. KHAN: Thank you.  THE COURT: Thank you.  So look, you know, until they come up with it, I can understand  I mean, look, very good argument. It wasn't in your brief, so I've got to figure out what that means.  What else do you have as far as the claims before we get to the written description?  MR. CHEN: Absolutely, Your Honor. And I do have the rest of contentions if you want to see them.  THE COURT: Yeah, actually, but give them to them and then let's hand them up.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	THE COURT: So I thought initial would have meant first temporally, or first sequentially. But according to your infringement contentions of February 14, 2025, that's not the case. You're not reading initial to be first sequentially or temporally.  MR. KHAN: We are I don't have the rest of the contentions in front of me, Your Honor, and we can find them. But if you look at the claim, it says "initial filter of the set of filters."  THE COURT: Right.  MR. KHAN: I have no doubt that in that instance what we did was identify the first sequential filter in the set of filters.  THE COURT: Why don't you pull up the Interrogatories. Because the excerpts that are presented here would suggest the would not suggest that at all.  MR. KHAN: Right.  THE COURT: In fact, it would suggest the opposite.  MR. KHAN: Right. But it's referenced to Claim 9 here.  But anyway, we can pull that up and take a look in the break. But the basic point is initial	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	MR. KHAN: And we can agree with that, to the extent that the Court is concerned about that, I can agree to that today. And  THE COURT: Well, then I'm concerned about the contention you served.  So do me a favor, we will come back to it.  You pull up the contentions, and then I'll have Mr. Chen come back.  MR. KHAN: Okay.  THE COURT: All right?  MR. KHAN: Thank you.  THE COURT: Thank you.  So look, you know, until they come up with it, I can understand  I mean, look, very good argument. It wasn't in your brief, so I've got to figure out what that means.  What else do you have as far as the claims before we get to the written description?  MR. CHEN: Absolutely, Your Honor. And I do have the rest of contentions if you want to see them.  THE COURT: Yeah, actually, but give them to

	Case 1:24-cv-00945-CFC-EGT		192-1 13444	Filed 10/24/25	Page 13 of 50 PageID
1	contentions, and that's why you put it up there,	right?	1	THE COURT:	basically, or it's agnostic.
2	MR. CHEN: Absolutely.		2	It would support both	sides in a way, right?
3	THE COURT: To use my language is that	in	3	MR. CHEN:	It's an exemplary embodiment, but
4	their infringement contention with respect to Cla	im 10,	4	the specification act	ually refers to a first and second
5	they are saying initial doesn't mean first sequer	ntially	5	dichroic filter and l	abels the first dichroic filter as
6	or first temporally.		6	the initial filter 90	3 and a second dichroic filter as
7	MR. CHEN: That's correct.		7	the second dichroic f	ilter.
8	THE COURT: It could be anything.		8	THE COURT:	Oh, I see what you're saying.
9	MR. CHEN: That's correct, Your Honor.		9	Right.	
10	THE COURT: Yeah, okay.		10	MR. CHEN:	Thank you, Your Honor.
11	MR. CHEN: That is absolutely correct.	And my	11	Yes. So -	_
12	apologies for not including it in the briefing.	_	12		For instance, it's agnostic, you
13	can certainly submit it as an additional exhibit		13		, second branch, because the
14	the hearing if Your Honor would like to see it.		14	branches are simultane	
15	THE COURT: Well, I opened up by sayir	ıa T'm	15		Oh, I agree, yes. Yeah. Yeah. I
16	not putting a lot of stock in their claim anyway.	-	16		nat issue with respect to the claim
17	was the most compelling one I had.	mac	17	-	on, it doesn't help them.
18	So why don't you move to the written		18		Right. But where it helps you,
			19		
19	description.	0-	20	-	terms of its discussion of the
20	MR. CHEN: Okay. I will, Your Honor.	50		MR. CHEN:	
21	moving to the written description.		21		first and second, the second
22	As Your Honor already saw earlier, the		22		from the first. It's sequentially
23	written description supports Cytek's		23	after.	
24	THE COURT: This Figure 25		24		Absolutely, Your Honor.
25	MR. CHEN: Right.		25	THE COURT:	Okay.
		47			49
1	MR. CHEN: That's correct.	47	1	Let me stej	48 p back. You both say Figure 25
1 2	MR. CHEN: That's correct.  THE COURT: Yep.	47	1 2	Let me ste supports your respect:	p back. You both say Figure 25
					p back. You both say Figure 25 ive positions. Right?
2	THE COURT: Yep.	assages	2	supports your respect:	p back. You both say Figure 25 ive positions. Right?
2	THE COURT: Yep.  MR. CHEN: And so BEC pointed to two p	assages	2	supports your respect:  MR. CHEN:  THE COURT:	p back. You both say Figure 25 ive positions. Right?
2 3 4	THE COURT: Yep.  MR. CHEN: And so BEC pointed to two p in the specification. If I can actually go to the	assages eir	2 3 4	supports your respect:  MR. CHEN:  THE COURT:	p back. You both say Figure 25 ive positions. Right? Yeah. Okay. And the reason why you say ur position is because of the
2 3 4 5	THE COURT: Yep.  MR. CHEN: And so BEC pointed to two p in the specification. If I can actually go to the slides.	assages meir : to	2 3 4 5	supports your respect:  MR. CHEN:  THE COURT:  Figure 25 supports your labeling of the dichr.	p back. You both say Figure 25 ive positions. Right? Yeah. Okay. And the reason why you say ur position is because of the
2 3 4 5	THE COURT: Yep.  MR. CHEN: And so BEC pointed to two p in the specification. If I can actually go to th slides.  THE COURT: Well, do you want to point	assages meir : to	2 3 4 5 6	supports your respect:  MR. CHEN:  THE COURT:  Figure 25 supports you labeling of the dichremark. CHEN:	p back. You both say Figure 25 ive positions. Right? Yeah. Okay. And the reason why you say ur position is because of the oic filter.
2 3 4 5 6	THE COURT: Yep.  MR. CHEN: And so BEC pointed to two p in the specification. If I can actually go to the slides.  THE COURT: Well, do you want to point anything else? I agree Figure 25 supports you.	assages weir : to I	2 3 4 5 6	supports your respect:  MR. CHEN:  THE COURT:  Figure 25 supports you labeling of the dichremark. CHEN:	p back. You both say Figure 25 ive positions. Right?  Yeah.  Okay. And the reason why you say ur position is because of the oic filter.  Dichroic filter. Also other r, not just the dichroic filter.
2 3 4 5 6 7 8	THE COURT: Yep.  MR. CHEN: And so BEC pointed to two p in the specification. If I can actually go to the slides.  THE COURT: Well, do you want to point anything else? I agree Figure 25 supports you. totally get that.	assages weir : to I	2 3 4 5 6 7 8	supports your respect:  MR. CHEN:  THE COURT:  Figure 25 supports your labeling of the dichremark. CHEN:  components, Your Honor  THE COURT:	p back. You both say Figure 25 ive positions. Right?  Yeah.  Okay. And the reason why you say ur position is because of the oic filter.  Dichroic filter. Also other r, not just the dichroic filter.
2 3 4 5 6 7 8	THE COURT: Yep.  MR. CHEN: And so BEC pointed to two p in the specification. If I can actually go to the slides.  THE COURT: Well, do you want to point anything else? I agree Figure 25 supports you. totally get that.  By the way, what do you think about it	assages eir to I	2 3 4 5 6 7 8	supports your respect:  MR. CHEN:  THE COURT:  Figure 25 supports your labeling of the dichremark. CHEN:  components, Your Honor  THE COURT:	p back. You both say Figure 25 ive positions. Right? Yeah.  Okay. And the reason why you say ur position is because of the oic filter.  Dichroic filter. Also other r, not just the dichroic filter. Yeah?  That's actually in our briefing.
2 3 4 5 6 7 8 9	THE COURT: Yep.  MR. CHEN: And so BEC pointed to two print the specification. If I can actually go to the slides.  THE COURT: Well, do you want to point anything else? I agree Figure 25 supports you. totally get that.  By the way, what do you think about it there a preferred embodiment in this patent?	assages eeir to I , is emplary	2 3 4 5 6 7 8 9	supports your respect:  MR. CHEN:  THE COURT:  Figure 25 supports your labeling of the dichrack MR. CHEN:  components, Your Honor THE COURT:  MR. CHEN:  THE COURT:	p back. You both say Figure 25 ive positions. Right? Yeah.  Okay. And the reason why you say ur position is because of the oic filter.  Dichroic filter. Also other r, not just the dichroic filter. Yeah?  That's actually in our briefing.
2 3 4 5 6 7 8 9 10	THE COURT: Yep.  MR. CHEN: And so BEC pointed to two print the specification. If I can actually go to the slides.  THE COURT: Well, do you want to point anything else? I agree Figure 25 supports you. totally get that.  By the way, what do you think about it there a preferred embodiment in this patent?  MR. CHEN: No, Your Honor. It's an extended.	assages eeir to I , is emplary	2 3 4 5 6 7 8 9 10	supports your respect:  MR. CHEN:  THE COURT:  Figure 25 supports your labeling of the dichrack MR. CHEN:  components, Your Honor THE COURT:  MR. CHEN:  THE COURT:	p back. You both say Figure 25 ive positions. Right?  Yeah.  Okay. And the reason why you say ur position is because of the oic filter.  Dichroic filter. Also other r, not just the dichroic filter.  Yeah?  That's actually in our briefing.  Yep.  There's a reference to
2 3 4 5 6 7 8 9 10 11	THE COURT: Yep.  MR. CHEN: And so BEC pointed to two print the specification. If I can actually go to the slides.  THE COURT: Well, do you want to point anything else? I agree Figure 25 supports you. totally get that.  By the way, what do you think about it there a preferred embodiment in this patent?  MR. CHEN: No, Your Honor. It's an exembodiment, like Your Honor stated. And, actually	assages to I , is emplary , we do	2 3 4 5 6 7 8 9 10 11	supports your respect:  MR. CHEN:  THE COURT:  Figure 25 supports your labeling of the dichroma. CHEN:  components, Your Honor THE COURT:  MR. CHEN:  THE COURT:  MR. CHEN:  THE COURT:	p back. You both say Figure 25 ive positions. Right?  Yeah.  Okay. And the reason why you say ur position is because of the oic filter.  Dichroic filter. Also other r, not just the dichroic filter.  Yeah?  That's actually in our briefing.  Yep.  There's a reference to
2 3 4 5 6 7 8 9 10 11 12 13	THE COURT: Yep.  MR. CHEN: And so BEC pointed to two print the specification. If I can actually go to the slides.  THE COURT: Well, do you want to point anything else? I agree Figure 25 supports you. totally get that.  By the way, what do you think about it there a preferred embodiment in this patent?  MR. CHEN: No, Your Honor. It's an exembodiment, like Your Honor stated. And, actually address that.	assages eeir to I , is emplary , we do	2 3 4 5 6 7 8 9 10 11 12 13	supports your respect:  MR. CHEN:  THE COURT:  Figure 25 supports your labeling of the dichroma. CHEN:  components, Your Honor THE COURT:  MR. CHEN:  THE COURT:  MR. CHEN:  THE COURT:	p back. You both say Figure 25  ive positions. Right?  Yeah.  Okay. And the reason why you say ur position is because of the oic filter.  Dichroic filter. Also other  r, not just the dichroic filter.  Yeah?  That's actually in our briefing.  Yep.  There's a reference to  Hold up.  This is on Page 15 of the Joint
2 3 4 5 6 7 8 9 10 11 12 13 14	THE COURT: Yep.  MR. CHEN: And so BEC pointed to two print the specification. If I can actually go to the slides.  THE COURT: Well, do you want to point anything else? I agree Figure 25 supports you. totally get that.  By the way, what do you think about it there a preferred embodiment in this patent?  MR. CHEN: No, Your Honor. It's an exembodiment, like Your Honor stated. And, actually address that.  They make an argument that we are excl	assages eeir to I , is emplary , we do uding	2 3 4 5 6 7 8 9 10 11 12 13	supports your respect:  MR. CHEN:  THE COURT:  Figure 25 supports your labeling of the dichroma. CHEN:  components, Your Honor  THE COURT:  MR. CHEN:  THE COURT:  MR. CHEN:  THE COURT:  MR. CHEN:  THE COURT:	p back. You both say Figure 25  ive positions. Right?  Yeah.  Okay. And the reason why you say ur position is because of the oic filter.  Dichroic filter. Also other  r, not just the dichroic filter.  Yeah?  That's actually in our briefing.  Yep.  There's a reference to  Hold up.  This is on Page 15 of the Joint
2 3 4 5 6 7 8 9 10 11 12 13 14 15	THE COURT: Yep.  MR. CHEN: And so BEC pointed to two print the specification. If I can actually go to the slides.  THE COURT: Well, do you want to point anything else? I agree Figure 25 supports you. totally get that.  By the way, what do you think about it there a preferred embodiment in this patent?  MR. CHEN: No, Your Honor. It's an exembodiment, like Your Honor stated. And, actually address that.  They make an argument that we are excluded the preferred embodiment. Again, it's not a prefer	assages meir to I , is emplary , we do uding ferred fing.	2 3 4 5 6 7 8 9 10 11 12 13 14	supports your respect:  MR. CHEN:  THE COURT:  Figure 25 supports your labeling of the dichroma. CHEN:  components, Your Honor  THE COURT:  MR. CHEN:  THE COURT:  MR. CHEN:  THE COURT:  MR. CHEN:  THE COURT:	p back. You both say Figure 25 ive positions. Right? Yeah.  Okay. And the reason why you say ur position is because of the oic filter.  Dichroic filter. Also other r, not just the dichroic filter. Yeah? That's actually in our briefing. Yep. There's a reference to Hold up. This is on Page 15 of the Joint Yep. It's actually Page 14 of the Joint
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	THE COURT: Yep.  MR. CHEN: And so BEC pointed to two print the specification. If I can actually go to the slides.  THE COURT: Well, do you want to point anything else? I agree Figure 25 supports you. totally get that.  By the way, what do you think about it there a preferred embodiment in this patent?  MR. CHEN: No, Your Honor. It's an exembodiment, like Your Honor stated. And, actually address that.  They make an argument that we are excluded the preferred embodiment. Again, it's not a prefer embodiment. That's their argument in their brief.	assages meir to I , is emplary , we do uding ferred fing.	2 3 4 5 6 7 8 9 10 11 12 13 14 15	supports your respect:  MR. CHEN:  THE COURT:  Figure 25 supports your labeling of the dichroman labeling lab	p back. You both say Figure 25 ive positions. Right? Yeah.  Okay. And the reason why you say ur position is because of the oic filter.  Dichroic filter. Also other r, not just the dichroic filter. Yeah? That's actually in our briefing. Yep. There's a reference to Hold up. This is on Page 15 of the Joint Yep. It's actually Page 14 of the Joint
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	THE COURT: Yep.  MR. CHEN: And so BEC pointed to two print the specification. If I can actually go to the slides.  THE COURT: Well, do you want to point anything else? I agree Figure 25 supports you. totally get that.  By the way, what do you think about it there a preferred embodiment in this patent?  MR. CHEN: No, Your Honor. It's an exembodiment, like Your Honor stated. And, actually address that.  They make an argument that we are excluding the preferred embodiment. Again, it's not a prefembodiment. That's their argument in their brief we are not excluding that embodiment. The earlier	assages meir to I , is emplary , we do uding ferred fing.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	supports your respect:  MR. CHEN:  THE COURT:  Figure 25 supports your labeling of the dichroward of the dichroward of the dichroward of the court:  MR. CHEN:  THE COURT:  So there's	p back. You both say Figure 25 ive positions. Right? Yeah.  Okay. And the reason why you say ur position is because of the oic filter.  Dichroic filter. Also other r, not just the dichroic filter. Yeah? That's actually in our briefing. Yep. There's a reference to Hold up. This is on Page 15 of the Joint Yep. It's actually Page 14 of the Joint ief. also a reference to a collimating
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	THE COURT: Yep.  MR. CHEN: And so BEC pointed to two print the specification. If I can actually go to the slides.  THE COURT: Well, do you want to point anything else? I agree Figure 25 supports you. totally get that.  By the way, what do you think about it there a preferred embodiment in this patent?  MR. CHEN: No, Your Honor. It's an exembodiment, like Your Honor stated. And, actually address that.  They make an argument that we are excluding that argument in their brief we are not excluding that embodiment. The earlied parent, '412 patent, has a claim that maps onto Figure 25.	assages seir to I , is emplary , we do uding ferred fing.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	supports your respect:  MR. CHEN:  THE COURT:  Figure 25 supports your labeling of the dichrown MR. CHEN:  components, Your Honor THE COURT:  MR. CHEN:  THE COURT:  MR. CHEN:  THE COURT:  MR. CHEN:  THE COURT:  MR. CHEN:  COURT:  MR. CHEN:  THE COURT:  MR. CHEN:  THE COURT:  MR. CHEN:  THE COURT:  MR. CHEN:  On Chen:  Claim Construction Br.  So there's	p back. You both say Figure 25  ive positions. Right?  Yeah.  Okay. And the reason why you say ur position is because of the  oic filter.  Dichroic filter. Also other  r, not just the dichroic filter.  Yeah?  That's actually in our briefing.  Yep.  There's a reference to  Hold up.  This is on Page 15 of the Joint  Yep.  It's actually Page 14 of the Joint  ief.  also a reference to a collimating  which we'll get to later on,
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	THE COURT: Yep.  MR. CHEN: And so BEC pointed to two print the specification. If I can actually go to the slides.  THE COURT: Well, do you want to point anything else? I agree Figure 25 supports you. totally get that.  By the way, what do you think about it there a preferred embodiment in this patent?  MR. CHEN: No, Your Honor. It's an exembodiment, like Your Honor stated. And, actually address that.  They make an argument that we are excluding that embodiment. Their brief we are not excluding that embodiment. The earlied parent, '412 patent, has a claim that maps onto Figure 25.  So like Your Honor stated, as long as	assages meir to I , is emplary , we do  uding ferred fing. er	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	supports your respect:  MR. CHEN:  THE COURT:  Figure 25 supports your labeling of the dichroman labeling of the COURT:  MR. CHEN:  THE COURT:  MR. CHEN:  THE COURT:  MR. CHEN:  Claim Construction Br.  So there's optical element 902, support of the course we believe the	p back. You both say Figure 25 ive positions. Right?  Yeah.  Okay. And the reason why you say ur position is because of the oic filter.  Dichroic filter. Also other r, not just the dichroic filter.  Yeah?  That's actually in our briefing.  Yep.  There's a reference to Hold up.  This is on Page 15 of the Joint  Yep.  It's actually Page 14 of the Joint ief.  also a reference to a collimating which we'll get to later on, at's a means-plus-function term,
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	THE COURT: Yep.  MR. CHEN: And so BEC pointed to two print the specification. If I can actually go to the slides.  THE COURT: Well, do you want to point anything else? I agree Figure 25 supports you. totally get that.  By the way, what do you think about it there a preferred embodiment in this patent?  MR. CHEN: No, Your Honor. It's an exembodiment, like Your Honor stated. And, actually address that.  They make an argument that we are exclusive and the preferred embodiment. Again, it's not a prefembodiment. That's their argument in their brief we are not excluding that embodiment. The earlief parent, '412 patent, has a claim that maps onto Figure 25.  So like Your Honor stated, as long as one independent claim that maps onto the embodiment.	assages meir to I to I, is emplary t, we do uding ferred fing. er there's	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	supports your respect:  MR. CHEN:  THE COURT:  Figure 25 supports your labeling of the dichroman labeling of the COURT:  MR. CHEN:  THE COURT:  MR. CHEN:  THE COURT:  MR. CHEN:  Claim Construction Br.  So there's optical element 902, you because we believe the but they label that as	p back. You both say Figure 25 ive positions. Right?  Yeah.  Okay. And the reason why you say ur position is because of the oic filter.  Dichroic filter. Also other r, not just the dichroic filter.  Yeah?  That's actually in our briefing.  Yep.  There's a reference to  Hold up.  This is on Page 15 of the Joint  Yep.  It's actually Page 14 of the Joint ief.  also a reference to a collimating which we'll get to later on, at's a means-plus-function term, s a collimating optical element and
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	THE COURT: Yep.  MR. CHEN: And so BEC pointed to two print the specification. If I can actually go to the slides.  THE COURT: Well, do you want to point anything else? I agree Figure 25 supports you. totally get that.  By the way, what do you think about it there a preferred embodiment in this patent?  MR. CHEN: No, Your Honor. It's an exembodiment, like Your Honor stated. And, actually address that.  They make an argument that we are excluding that embodiment. The earlied parent, '412 patent, has a claim that maps onto Figure 25.  So like Your Honor stated, as long as one independent claim that maps onto the embodiment it's not being excluded, and it's not being excluded.	assages meir to I to I, is emplary t, we do uding ferred fing. er there's	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	supports your respect:  MR. CHEN:  THE COURT:  Figure 25 supports your labeling of the dichrece with the court:  MR. CHEN:  Components, Your Honory  THE COURT:  MR. CHEN:  THE COURT:  MR. CHEN:  THE COURT:  MR. CHEN:  THE COURT:  MR. CHEN:  Claim Construction Br  So there's optical element 902, you because we believe the but they label that as then they refer to a second course.	p back. You both say Figure 25 ive positions. Right?  Yeah.  Okay. And the reason why you say ur position is because of the oic filter.  Dichroic filter. Also other r, not just the dichroic filter.  Yeah?  That's actually in our briefing.  Yep.  There's a reference to Hold up.  This is on Page 15 of the Joint  Yep.  It's actually Page 14 of the Joint ief.  also a reference to a collimating which we'll get to later on, at's a means-plus-function term,
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	THE COURT: Yep.  MR. CHEN: And so BEC pointed to two point the specification. If I can actually go to the slides.  THE COURT: Well, do you want to point anything else? I agree Figure 25 supports you. totally get that.  By the way, what do you think about it there a preferred embodiment in this patent?  MR. CHEN: No, Your Honor. It's an exembodiment, like Your Honor stated. And, actually address that.  They make an argument that we are excluding that embodiment. The earlied we are not excluding that embodiment. The earlied parent, '412 patent, has a claim that maps onto Figure 25.  So like Your Honor stated, as long as one independent claim that maps onto the embodiment it's not being excluded, and it's not being excluded, here, Your Honor.	assages seir to I  i, is emplary , we do  uding ferred fing. er there's ent, edded	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	supports your respect:  MR. CHEN:  THE COURT:  Figure 25 supports your labeling of the dichroma.  MR. CHEN:  components, Your Honor  THE COURT:  MR. CHEN:  THE COURT:  MR. CHEN:  THE COURT:  MR. CHEN:  THE COURT:  MR. CHEN:  Claim Construction Br  So there's  optical element 902, your because we believe the but they label that as then they refer to a second course.	p back. You both say Figure 25  ive positions. Right?  Yeah.  Okay. And the reason why you say ur position is because of the  oic filter.  Dichroic filter. Also other r, not just the dichroic filter.  Yeah?  That's actually in our briefing.  Yep.  There's a reference to  Hold up.  This is on Page 15 of the Joint  Yep.  It's actually Page 14 of the Joint ief.  also a reference to a collimating which we'll get to later on,  at's a means-plus-function term, s a collimating optical element and second optical element being 907,
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	THE COURT: Yep.  MR. CHEN: And so BEC pointed to two print the specification. If I can actually go to the slides.  THE COURT: Well, do you want to point anything else? I agree Figure 25 supports you. totally get that.  By the way, what do you think about it there a preferred embodiment in this patent?  MR. CHEN: No, Your Honor. It's an exembodiment, like Your Honor stated. And, actually address that.  They make an argument that we are excluded the preferred embodiment. Again, it's not a prefembodiment. That's their argument in their brief we are not excluding that embodiment. The earlief parent, '412 patent, has a claim that maps onto Figure 25.  So like Your Honor stated, as long as one independent claim that maps onto the embodime it's not being excluded, and it's not being excluded, here, Your Honor.  THE COURT: Right. Now, the reason where the state of the sta	assages seir to I  i, is emplary , we do  uding ferred fing. er there's ent, edded	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	supports your respect:  MR. CHEN:  THE COURT:  Figure 25 supports your labeling of the dichremark. CHEN:  components, Your Honor.  THE COURT:  MR. CHEN:  Claim Construction Br.  So there's optical element 902, your decause we believe the but they label that as then they refer to a your Honor.  So that's we support to the support of the support o	p back. You both say Figure 25 ive positions. Right?  Yeah.  Okay. And the reason why you say ur position is because of the oic filter.  Dichroic filter. Also other r, not just the dichroic filter.  Yeah?  That's actually in our briefing.  Yep.  There's a reference to Hold up.  This is on Page 15 of the Joint  Yep.  It's actually Page 14 of the Joint ief.  also a reference to a collimating which we'll get to later on, at's a means-plus-function term, s a collimating optical element and second optical element being 907,  again, you have first dichroic
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	THE COURT: Yep.  MR. CHEN: And so BEC pointed to two point the specification. If I can actually go to the slides.  THE COURT: Well, do you want to point anything else? I agree Figure 25 supports you. totally get that.  By the way, what do you think about it there a preferred embodiment in this patent?  MR. CHEN: No, Your Honor. It's an exembodiment, like Your Honor stated. And, actually address that.  They make an argument that we are excluding that embodiment. The earlied we are not excluding that embodiment. The earlied parent, '412 patent, has a claim that maps onto Figure 25.  So like Your Honor stated, as long as one independent claim that maps onto the embodiment it's not being excluded, and it's not being excluded, here, Your Honor.	assages seir to I  i, is emplary , we do  uding ferred fing. er there's ent, edded	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	supports your respect:  MR. CHEN:  THE COURT:  Figure 25 supports your labeling of the dichremark. CHEN:  components, Your Honor.  THE COURT:  MR. CHEN:  Claim Construction Br.  So there's optical element 902, your decause we believe the but they label that as then they refer to a your Honor.  So that's we support to the support of the support o	p back. You both say Figure 25 ive positions. Right? Yeah.  Okay. And the reason why you say ur position is because of the oic filter.  Dichroic filter. Also other r, not just the dichroic filter. Yeah? That's actually in our briefing. Yep. There's a reference to Hold up. This is on Page 15 of the Joint Yep. It's actually Page 14 of the Joint ief. also a reference to a collimating which we'll get to later on, at's a means-plus-function term, is a collimating optical element and second optical element being 907,

	Case 1:24-cv-00945-CFC-EGT	192-1 13445	Filed 10/24/25 Page 14 of 50 PageID
1	element here, you have another optical element, 907. So	1	Okay. So the first one is the $\ensuremath{\mathtt{T}}$ at
2	you have first optical element, 902, and second optical	2	Figure 14; is that right? Right there?
3	element, 907, Your Honor.	3	MR. CHEN: Correct. Their Slide 24. They
4	THE COURT: Hold up.	4	talk about a first fraction and a second fraction.
5	Okay. So are there any other instances in	5	What we're talking about here is the liquid.
6	the written description, besides these two, where first	6	We're not talking about a optical path. We're just
7	and second are shown to be sequential?	7	talking about separating liquid into a first fraction
8	MR. CHEN: Not that we are relying on, Your	8	and second fraction. Has nothing to do with the claim
9	Honor. There may be other places, but we also do point	9	language here with the WDM, the wavelength division
10	to the claim language as well, and that's cited in our	10	multiplexer or de-multiplexer that we're talking about
11	briefing and one example	11	here. We're not talking about the optical path. We're
12	THE COURT: When you say the claim language,	12	talking about liquid.
13	go ahead and give me the claim language you're talking	13	Their second argument is on Page 25. They
14	about.	14	talk about a first zone and second zone. I'm going to
15	MR. CHEN: As one example, Claims 1 and 5 of	15	use my slides for a later term to explain what is going
16	the '106 patent make very clear that there is a sequence	16	on here.
17	to the first and second as they're used throughout this	17	THE COURT: I just want to follow up, though,
18	claim.	18	on the liquid, right?
19	THE COURT: Right.	19	MR. CHEN: Yes.
20	MR. CHEN: Happy to diagram it. But in the	20	THE COURT: I'm not a science guy, but if you
21	interest of time, I would actually like to address the	21	shove liquid down a tube, and it hits the T, it's going
22	two passages of the specification that they pointed to in	22	to go in both directions. I mean, I think it has to go
23	their argument, Your Honor.	23	in both directions, right?
24	THE COURT: Yeah. Just give me one second.	24	MR. CHEN: That's correct.
25	You can do that.	25	THE COURT: Right.
	51		52
1	51  If you shove light down a tube, it's just	1	52 mentioning the dichroic filter again. You mentioned that
1 2		1 2	
	If you shove light down a tube, it's just		mentioning the dichroic filter again. You mentioned that
2	If you shove light down a tube, it's just going to reflect back at you, isn't it? Or what	2	mentioning the dichroic filter again. You mentioned that as if it were analogous to the pipe of 703.
2	If you showe light down a tube, it's just going to reflect back at you, isn't it? Or what happens? I don't know. That's what I would have	2	mentioning the dichroic filter again. You mentioned that as if it were analogous to the pipe of 703.  MR. CHEN: It's not.
2 3 4	If you shove light down a tube, it's just going to reflect back at you, isn't it? Or what happens? I don't know. That's what I would have thought. In other words, this is not comparable at all.	2 3 4	mentioning the dichroic filter again. You mentioned that as if it were analogous to the pipe of 703.  MR. CHEN: It's not.  THE COURT: I wouldn't have thought that. I
2 3 4 5	If you shove light down a tube, it's just going to reflect back at you, isn't it? Or what happens? I don't know. That's what I would have thought. In other words, this is not comparable at all.  MR. CHEN: So if there's a dichroic filter,	2 3 4 5	mentioning the dichroic filter again. You mentioned that as if it were analogous to the pipe of 703.  MR. CHEN: It's not.  THE COURT: I wouldn't have thought that. I thought the analogue to 703 with optical stuff would be a
2 3 4 5	If you showe light down a tube, it's just going to reflect back at you, isn't it? Or what happens? I don't know. That's what I would have thought. In other words, this is not comparable at all.  MR. CHEN: So if there's a dichroic filter, it's going to allow a color band through and it's going	2 3 4 5	mentioning the dichroic filter again. You mentioned that as if it were analogous to the pipe of 703.  MR. CHEN: It's not.  THE COURT: I wouldn't have thought that. I thought the analogue to 703 with optical stuff would be a ray or something. I don't know, what's the analogue?
2 3 4 5 6 7	If you shove light down a tube, it's just going to reflect back at you, isn't it? Or what happens? I don't know. That's what I would have thought. In other words, this is not comparable at all.  MR. CHEN: So if there's a dichroic filter, it's going to allow a color band through and it's going to reflect the other color band through.	2 3 4 5 6 7	mentioning the dichroic filter again. You mentioned that as if it were analogous to the pipe of 703.  MR. CHEN: It's not.  THE COURT: I wouldn't have thought that. I thought the analogue to 703 with optical stuff would be a ray or something. I don't know, what's the analogue?  MR. CHEN: Yeah. Yeah. I think I'm not
2 3 4 5 6 7 8	If you shove light down a tube, it's just going to reflect back at you, isn't it? Or what happens? I don't know. That's what I would have thought. In other words, this is not comparable at all.  MR. CHEN: So if there's a dichroic filter, it's going to allow a color band through and it's going to reflect the other color band through.  The same argument that I made	2 3 4 5 6 7 8	mentioning the dichroic filter again. You mentioned that as if it were analogous to the pipe of 703.  MR. CHEN: It's not.  THE COURT: I wouldn't have thought that. I thought the analogue to 703 with optical stuff would be a ray or something. I don't know, what's the analogue?  MR. CHEN: Yeah. Yeah. I think I'm not sure there's a
2 3 4 5 6 7 8	If you shove light down a tube, it's just going to reflect back at you, isn't it? Or what happens? I don't know. That's what I would have thought. In other words, this is not comparable at all.  MR. CHEN: So if there's a dichroic filter, it's going to allow a color band through and it's going to reflect the other color band through.  The same argument that I made  THE COURT: No. No. But Figure 14, 703 is	2 3 4 5 6 7 8 9	mentioning the dichroic filter again. You mentioned that as if it were analogous to the pipe of 703.  MR. CHEN: It's not.  THE COURT: I wouldn't have thought that. I thought the analogue to 703 with optical stuff would be a ray or something. I don't know, what's the analogue?  MR. CHEN: Yeah. Yeah. I think I'm not sure there's a clean analogue. I'm not sure there's a clean analogue. I was just saying that it
2 3 4 5 6 7 8 9	If you shove light down a tube, it's just going to reflect back at you, isn't it? Or what happens? I don't know. That's what I would have thought. In other words, this is not comparable at all.  MR. CHEN: So if there's a dichroic filter, it's going to allow a color band through and it's going to reflect the other color band through.  The same argument that I made  THE COURT: No. No. But Figure 14, 703 is what? It's a tube, right?	2 3 4 5 6 7 8 9	mentioning the dichroic filter again. You mentioned that as if it were analogous to the pipe of 703.  MR. CHEN: It's not.  THE COURT: I wouldn't have thought that. I thought the analogue to 703 with optical stuff would be a ray or something. I don't know, what's the analogue?  MR. CHEN: Yeah. Yeah. I think I'm not sure there's a clean analogue. I'm not sure there's a clean analogue, Your Honor. I was just saying that it does hit that T at the same time, and so you have a first
2 3 4 5 6 7 8 9 10	If you shove light down a tube, it's just going to reflect back at you, isn't it? Or what happens? I don't know. That's what I would have thought. In other words, this is not comparable at all.  MR. CHEN: So if there's a dichroic filter, it's going to allow a color band through and it's going to reflect the other color band through.  The same argument that I made  THE COURT: No. No. But Figure 14, 703 is what? It's a tube, right?  MR. CHEN: That's correct. It's a tube of	2 3 4 5 6 7 8 9 10	mentioning the dichroic filter again. You mentioned that as if it were analogous to the pipe of 703.  MR. CHEN: It's not.  THE COURT: I wouldn't have thought that. I thought the analogue to 703 with optical stuff would be a ray or something. I don't know, what's the analogue?  MR. CHEN: Yeah. Yeah. I think I'm not sure there's a clean analogue. I'm not sure there's a clean analogue. I'm not sure there's a clean analogue, Your Honor. I was just saying that it does hit that T at the same time, and so you have a first branch you have a first fraction and a second
2 3 4 5 6 7 8 9 10 11	If you shove light down a tube, it's just going to reflect back at you, isn't it? Or what happens? I don't know. That's what I would have thought. In other words, this is not comparable at all.  MR. CHEN: So if there's a dichroic filter, it's going to allow a color band through and it's going to reflect the other color band through.  The same argument that I made  THE COURT: No. No. But Figure 14, 703 is what? It's a tube, right?  MR. CHEN: That's correct. It's a tube of liquid. And what happens is	2 3 4 5 6 7 8 9 10 11 12	mentioning the dichroic filter again. You mentioned that as if it were analogous to the pipe of 703.  MR. CHEN: It's not.  THE COURT: I wouldn't have thought that. I thought the analogue to 703 with optical stuff would be a ray or something. I don't know, what's the analogue?  MR. CHEN: Yeah. Yeah. I think I'm not sure there's a clean analogue. I'm not sure there's a clean analogue, Your Honor. I was just saying that it does hit that T at the same time, and so you have a first branch you have a first fraction and a second fraction.
2 3 4 5 6 7 8 9 10 11 12 13	If you shove light down a tube, it's just going to reflect back at you, isn't it? Or what happens? I don't know. That's what I would have thought. In other words, this is not comparable at all.  MR. CHEN: So if there's a dichroic filter, it's going to allow a color band through and it's going to reflect the other color band through.  The same argument that I made  THE COURT: No. No. But Figure 14, 703 is what? It's a tube, right?  MR. CHEN: That's correct. It's a tube of liquid. And what happens is  THE COURT: Like a pipe?	2 3 4 5 6 7 8 9 10 11 12 13	mentioning the dichroic filter again. You mentioned that as if it were analogous to the pipe of 703.  MR. CHEN: It's not.  THE COURT: I wouldn't have thought that. I thought the analogue to 703 with optical stuff would be a ray or something. I don't know, what's the analogue?  MR. CHEN: Yeah. Yeah. I think I'm not sure there's a clean analogue. I'm not sure there's a clean analogue. I'm not sure there's a clean analogue, Your Honor. I was just saying that it does hit that T at the same time, and so you have a first branch you have a first fraction and a second fraction.  In that sense, it's similar to a first branch
2 3 4 5 6 7 8 9 10 11 12 13	If you shove light down a tube, it's just going to reflect back at you, isn't it? Or what happens? I don't know. That's what I would have thought. In other words, this is not comparable at all.  MR. CHEN: So if there's a dichroic filter, it's going to allow a color band through and it's going to reflect the other color band through.  The same argument that I made  THE COURT: No. No. But Figure 14, 703 is what? It's a tube, right?  MR. CHEN: That's correct. It's a tube of liquid. And what happens is  THE COURT: Like a pipe?  MR. CHEN: There is a first fraction and	2 3 4 5 6 7 8 9 10 11 12 13	mentioning the dichroic filter again. You mentioned that as if it were analogous to the pipe of 703.  MR. CHEN: It's not.  THE COURT: I wouldn't have thought that. I thought the analogue to 703 with optical stuff would be a ray or something. I don't know, what's the analogue?  MR. CHEN: Yeah. Yeah. I think I'm not sure there's a clean analogue. I'm not sure there's a clean analogue. I'm not sure there's a clean analogue, Your Honor. I was just saying that it does hit that T at the same time, and so you have a first branch you have a first fraction and a second fraction.  In that sense, it's similar to a first branch and a second branch, but I agree it's not a perfect
2 3 4 5 6 7 8 9 10 11 12 13 14	If you shove light down a tube, it's just going to reflect back at you, isn't it? Or what happens? I don't know. That's what I would have thought. In other words, this is not comparable at all.  MR. CHEN: So if there's a dichroic filter, it's going to allow a color band through and it's going to reflect the other color band through.  The same argument that I made  THE COURT: No. No. But Figure 14, 703 is what? It's a tube, right?  MR. CHEN: That's correct. It's a tube of liquid. And what happens is  THE COURT: Like a pipe?  MR. CHEN: There is a first fraction and there's a	2 3 4 5 6 7 8 9 10 11 12 13 14	mentioning the dichroic filter again. You mentioned that as if it were analogous to the pipe of 703.  MR. CHEN: It's not.  THE COURT: I wouldn't have thought that. I thought the analogue to 703 with optical stuff would be a ray or something. I don't know, what's the analogue?  MR. CHEN: Yeah. Yeah. I think I'm not sure there's a clean analogue. I'm not sure there's a clean analogue, Your Honor. I was just saying that it does hit that T at the same time, and so you have a first branch you have a first fraction and a second fraction.  In that sense, it's similar to a first branch and a second branch, but I agree it's not a perfect analogy when you're talking about a dichroic filter
2 3 4 5 6 7 8 9 10 11 12 13 14 15	If you shove light down a tube, it's just going to reflect back at you, isn't it? Or what happens? I don't know. That's what I would have thought. In other words, this is not comparable at all.  MR. CHEN: So if there's a dichroic filter, it's going to allow a color band through and it's going to reflect the other color band through.  The same argument that I made  THE COURT: No. No. But Figure 14, 703 is what? It's a tube, right?  MR. CHEN: That's correct. It's a tube of liquid. And what happens is  THE COURT: Like a pipe?  MR. CHEN: There is a first fraction and there's a  THE COURT: First fraction, liquid. Okay.	2 3 4 5 6 7 8 9 10 11 12 13 14 15	mentioning the dichroic filter again. You mentioned that as if it were analogous to the pipe of 703.  MR. CHEN: It's not.  THE COURT: I wouldn't have thought that. I thought the analogue to 703 with optical stuff would be a ray or something. I don't know, what's the analogue?  MR. CHEN: Yeah. Yeah. I think I'm not sure there's a clean analogue. I'm not sure there's a clean analogue, Your Honor. I was just saying that it does hit that T at the same time, and so you have a first branch you have a first fraction and a second fraction.  In that sense, it's similar to a first branch and a second branch, but I agree it's not a perfect analogy when you're talking about a dichroic filter because that has to deal with the optical path of light.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	If you shove light down a tube, it's just going to reflect back at you, isn't it? Or what happens? I don't know. That's what I would have thought. In other words, this is not comparable at all.  MR. CHEN: So if there's a dichroic filter, it's going to allow a color band through and it's going to reflect the other color band through.  The same argument that I made  THE COURT: No. No. But Figure 14, 703 is what? It's a tube, right?  MR. CHEN: That's correct. It's a tube of liquid. And what happens is  THE COURT: Like a pipe?  MR. CHEN: There is a first fraction and there's a  THE COURT: First fraction, liquid. Okay.  MR. CHEN: First fraction and a second	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	mentioning the dichroic filter again. You mentioned that as if it were analogous to the pipe of 703.  MR. CHEN: It's not.  THE COURT: I wouldn't have thought that. I thought the analogue to 703 with optical stuff would be a ray or something. I don't know, what's the analogue?  MR. CHEN: Yeah. Yeah. I think I'm not sure there's a clean analogue. I'm not sure there's a clean analogue. I'm not sure there's a clean analogue, Your Honor. I was just saying that it does hit that T at the same time, and so you have a first branch you have a first fraction and a second fraction.  In that sense, it's similar to a first branch and a second branch, but I agree it's not a perfect analogy when you're talking about a dichroic filter because that has to deal with the optical path of light. Here, we're talking about a liquid, and it's not
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	If you shove light down a tube, it's just going to reflect back at you, isn't it? Or what happens? I don't know. That's what I would have thought. In other words, this is not comparable at all.  MR. CHEN: So if there's a dichroic filter, it's going to allow a color band through and it's going to reflect the other color band through.  The same argument that I made  THE COURT: No. No. But Figure 14, 703 is what? It's a tube, right?  MR. CHEN: That's correct. It's a tube of liquid. And what happens is  THE COURT: Like a pipe?  MR. CHEN: There is a first fraction and there's a  THE COURT: First fraction, liquid. Okay.  MR. CHEN: First fraction and a second fraction. And it doesn't matter which one again, it's	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	mentioning the dichroic filter again. You mentioned that as if it were analogous to the pipe of 703.  MR. CHEN: It's not.  THE COURT: I wouldn't have thought that. I thought the analogue to 703 with optical stuff would be a ray or something. I don't know, what's the analogue?  MR. CHEN: Yeah. Yeah. I think I'm not sure there's a clean analogue. I'm not sure there's a clean analogue. I'm sus just saying that it does hit that T at the same time, and so you have a first branch you have a first fraction and a second fraction.  In that sense, it's similar to a first branch and a second branch, but I agree it's not a perfect analogy when you're talking about a dichroic filter because that has to deal with the optical path of light. Here, we're talking about a liquid, and it's not relevant to the claim language here.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	If you shove light down a tube, it's just going to reflect back at you, isn't it? Or what happens? I don't know. That's what I would have thought. In other words, this is not comparable at all.  MR. CHEN: So if there's a dichroic filter, it's going to allow a color band through and it's going to reflect the other color band through.  The same argument that I made  THE COURT: No. No. But Figure 14, 703 is what? It's a tube, right?  MR. CHEN: That's correct. It's a tube of liquid. And what happens is  THE COURT: Like a pipe?  MR. CHEN: There is a first fraction and there's a  THE COURT: First fraction, liquid. Okay.  MR. CHEN: First fraction and a second fraction. And it doesn't matter which one again, it's actually very similar to the argument about first branch,	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	mentioning the dichroic filter again. You mentioned that as if it were analogous to the pipe of 703.  MR. CHEN: It's not.  THE COURT: I wouldn't have thought that. I thought the analogue to 703 with optical stuff would be a ray or something. I don't know, what's the analogue?  MR. CHEN: Yeah. Yeah. I think I'm not sure there's a clean analogue. I'm not sure there's a clean analogue, Your Honor. I was just saying that it does hit that T at the same time, and so you have a first branch you have a first fraction and a second fraction.  In that sense, it's similar to a first branch and a second branch, but I agree it's not a perfect analogy when you're talking about a dichroic filter because that has to deal with the optical path of light. Here, we're talking about a liquid, and it's not relevant to the claim language here.  THE COURT: Okay. Go ahead now. Next,
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	If you shove light down a tube, it's just going to reflect back at you, isn't it? Or what happens? I don't know. That's what I would have thought. In other words, this is not comparable at all.  MR. CHEN: So if there's a dichroic filter, it's going to allow a color band through and it's going to reflect the other color band through.  The same argument that I made  THE COURT: No. No. But Figure 14, 703 is what? It's a tube, right?  MR. CHEN: That's correct. It's a tube of liquid. And what happens is  THE COURT: Like a pipe?  MR. CHEN: There is a first fraction and there's a  THE COURT: First fraction, liquid. Okay.  MR. CHEN: First fraction and a second fraction. And it doesn't matter which one again, it's actually very similar to the argument about first branch, second branch. It's happening actually at the same time.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	mentioning the dichroic filter again. You mentioned that as if it were analogous to the pipe of 703.  MR. CHEN: It's not.  THE COURT: I wouldn't have thought that. I thought the analogue to 703 with optical stuff would be a ray or something. I don't know, what's the analogue?  MR. CHEN: Yeah. Yeah. I think I'm not sure there's a clean analogue. I'm not sure there's a clean analogue, Your Honor. I was just saying that it does hit that T at the same time, and so you have a first branch you have a first fraction and a second fraction.  In that sense, it's similar to a first branch and a second branch, but I agree it's not a perfect analogy when you're talking about a dichroic filter because that has to deal with the optical path of light. Here, we're talking about a liquid, and it's not relevant to the claim language here.  THE COURT: Okay. Go ahead now. Next, they've got the zone. This is their Slide 25.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	If you shove light down a tube, it's just going to reflect back at you, isn't it? Or what happens? I don't know. That's what I would have thought. In other words, this is not comparable at all.  MR. CHEN: So if there's a dichroic filter, it's going to allow a color band through and it's going to reflect the other color band through.  The same argument that I made  THE COURT: No. No. But Figure 14, 703 is what? It's a tube, right?  MR. CHEN: That's correct. It's a tube of liquid. And what happens is  THE COURT: Like a pipe?  MR. CHEN: There is a first fraction and there's a  THE COURT: First fraction, liquid. Okay.  MR. CHEN: First fraction and a second fraction. And it doesn't matter which one again, it's actually very similar to the argument about first branch, second branch. It's happening actually at the same time.  But the greater point here is this passage of	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	mentioning the dichroic filter again. You mentioned that as if it were analogous to the pipe of 703.  MR. CHEN: It's not.  THE COURT: I wouldn't have thought that. I thought the analogue to 703 with optical stuff would be a ray or something. I don't know, what's the analogue?  MR. CHEN: Yeah. Yeah. I think I'm not sure there's a clean analogue. I'm not sure there's a clean analogue. I'm not sure there's a clean analogue, Your Honor. I was just saying that it does hit that T at the same time, and so you have a first branch you have a first fraction and a second fraction.  In that sense, it's similar to a first branch and a second branch, but I agree it's not a perfect analogy when you're talking about a dichroic filter because that has to deal with the optical path of light. Here, we're talking about a liquid, and it's not relevant to the claim language here.  THE COURT: Okay. Go ahead now. Next, they've got the zone. This is their Slide 25.  MR. CHEN: Correct, Your Honor.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	If you shove light down a tube, it's just going to reflect back at you, isn't it? Or what happens? I don't know. That's what I would have thought. In other words, this is not comparable at all.  MR. CHEN: So if there's a dichroic filter, it's going to allow a color band through and it's going to reflect the other color band through.  The same argument that I made  THE COURT: No. No. But Figure 14, 703 is what? It's a tube, right?  MR. CHEN: That's correct. It's a tube of liquid. And what happens is  THE COURT: Like a pipe?  MR. CHEN: There is a first fraction and there's a  THE COURT: First fraction, liquid. Okay.  MR. CHEN: First fraction and a second fraction. And it doesn't matter which one again, it's actually very similar to the argument about first branch, second branch. It's happening actually at the same time.  But the greater point here is this passage of the specification has nothing to do with the optical	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	mentioning the dichroic filter again. You mentioned that as if it were analogous to the pipe of 703.  MR. CHEN: It's not.  THE COURT: I wouldn't have thought that. I thought the analogue to 703 with optical stuff would be a ray or something. I don't know, what's the analogue?  MR. CHEN: Yeah. Yeah. I think I'm not sure there's a clean analogue. I'm not sure there's a clean analogue, Your Honor. I was just saying that it does hit that T at the same time, and so you have a first branch you have a first fraction and a second fraction.  In that sense, it's similar to a first branch and a second branch, but I agree it's not a perfect analogy when you're talking about a dichroic filter because that has to deal with the optical path of light. Here, we're talking about a liquid, and it's not relevant to the claim language here.  THE COURT: Okay. Go ahead now. Next, they've got the zone. This is their Slide 25.  MR. CHEN: Correct, Your Honor.  THE COURT: Okay. What do you say to that?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	If you shove light down a tube, it's just going to reflect back at you, isn't it? Or what happens? I don't know. That's what I would have thought. In other words, this is not comparable at all.  MR. CHEN: So if there's a dichroic filter, it's going to allow a color band through and it's going to reflect the other color band through.  The same argument that I made  THE COURT: No. No. But Figure 14, 703 is what? It's a tube, right?  MR. CHEN: That's correct. It's a tube of liquid. And what happens is  THE COURT: Like a pipe?  MR. CHEN: There is a first fraction and there's a  THE COURT: First fraction, liquid. Okay.  MR. CHEN: First fraction and a second fraction. And it doesn't matter which one again, it's actually very similar to the argument about first branch, second branch. It's happening actually at the same time.  But the greater point here is this passage of the specification has nothing to do with the optical path.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	mentioning the dichroic filter again. You mentioned that as if it were analogous to the pipe of 703.  MR. CHEN: It's not.  THE COURT: I wouldn't have thought that. I thought the analogue to 703 with optical stuff would be a ray or something. I don't know, what's the analogue?  MR. CHEN: Yeah. Yeah. I think I'm not sure there's a clean analogue, Your Honor. I was just saying that it does hit that T at the same time, and so you have a first branch you have a first fraction and a second fraction.  In that sense, it's similar to a first branch and a second branch, but I agree it's not a perfect analogy when you're talking about a dichroic filter because that has to deal with the optical path of light. Here, we're talking about a liquid, and it's not relevant to the claim language here.  THE COURT: Okay. Go ahead now. Next, they've got the zone. This is their Slide 25.  MR. CHEN: Correct, Your Honor.  THE COURT: Okay. What do you say to that?  MR. CHEN: So what they're talking about here,

	Case 1:24-cv-00945-CFC-EGT Documen	192-1 13446	Filed 10/24/25 Page 15 of 50 PageID
1	THE COURT: What slide is that?	1	semiconductor detector, second semiconductor detector.
2	MR. CHEN: This is Slide 101 of Cytek Bio's	2	It's not talking about zones.
3	demonstratives.	3	And so my point is, similar to the first
4	THE COURT: Okay.	4	branch, second branch argument, the light is hitting
5	MR. CHEN: They're talking about this piece	5	this aberration corrector plate at the same time. And
6	602, which is an aberration corrector plate. And what	6	this first zone and second zone is just saying there are
7	they're talking about is that there are negative and	7	different there are different zones on that surface
8	positive zones. And you can see right here through the	8	of the aberration corrector plate.
9	little cutouts, negative and positive zones, the surface.	9	THE COURT: Okay. Now, the second example
10	Right?	10	they give, the first branch and the second branch is what
11	THE COURT: No. I don't know what I'm looking	11	you pointed out, or it's not, right? Or is it? Is it
12	at. What do you mean?	12	the same issue that's occurred that's illustrated in
13	MR. CHEN: Oh, sorry. So, Your Honor, do you	13	Figure 25?
14	see my laser pointer?	14	MR. CHEN: No, that's claim claim language,
15	THE COURT: Yeah.	15	Your Honor. The first branch and second branch was in
16	MR. CHEN: There's negative and positive zones	16	their claim language.
17	here. There like is a shape see where the curve is?	17	And then first fraction, second fraction was
18	THE COURT: Oh, yeah. I see the curve. Okay.	18	in Figure 14 that Your Honor pointed out.
19	MR. CHEN: Yeah. So that's what that's	19	THE COURT: But look at their Slide 25.
20	referring to. And, again, the light is hitting those at	20	MR. CHEN: Yes, Your Honor.
21	the same time. It's they are different zones, sure,	21	THE COURT: So you just dealt with the first
22	but it's not relevant to the claim language here. The	22	box, which is first zone and second zone.
23	claim language isn't claim zones, right? That's not in	23	MR. CHEN: Oh, oh. Yes. You are correct,
24	the claims. The claims are talking about dichroic	24	Your Honor.
25	filters, talking about semiconductor detectors, first	25	THE COURT: The second box, I just want you to
	55		56
1	address, where they are referring to the separation of	1	THE COURT: What's the third?
2	address, where they are referring to the separation of the beam of light into a first branch and a second branch	2	THE COURT: What's the third?  MR. KHAN: The first and second fractions with
2	address, where they are referring to the separation of the beam of light into a first branch and a second branch of distinctive colors.	2 3	THE COURT: What's the third?  MR. KHAN: The first and second fractions with the liquid.
2 3 4	address, where they are referring to the separation of the beam of light into a first branch and a second branch of distinctive colors.  Is this description what you pointed out is	2 3 4	THE COURT: What's the third?  MR. KHAN: The first and second fractions with the liquid.  THE COURT: Yeah.
2 3 4 5	address, where they are referring to the separation of the beam of light into a first branch and a second branch of distinctive colors.  Is this description what you pointed out is in Figure 25 where the two branches are actually	2 3 4 5	THE COURT: What's the third?  MR. KHAN: The first and second fractions with the liquid.  THE COURT: Yeah.  MR. KHAN: The first and second zones.
2 3 4 5	address, where they are referring to the separation of the beam of light into a first branch and a second branch of distinctive colors.  Is this description what you pointed out is in Figure 25 where the two branches are actually occurring simultaneously?	2 3 4 5 6	THE COURT: What's the third?  MR. KHAN: The first and second fractions with the liquid.  THE COURT: Yeah.  MR. KHAN: The first and second zones.  THE COURT: Yeah.
2 3 4 5 6 7	address, where they are referring to the separation of the beam of light into a first branch and a second branch of distinctive colors.  Is this description what you pointed out is in Figure 25 where the two branches are actually occurring simultaneously?  MR. CHEN: Correct, your Honor. My apologies	2 3 4 5 6	THE COURT: What's the third?  MR. KHAN: The first and second fractions with the liquid.  THE COURT: Yeah.  MR. KHAN: The first and second zones.  THE COURT: Yeah.  MR. KHAN: First and second branches.
2 3 4 5 6 7 8	address, where they are referring to the separation of the beam of light into a first branch and a second branch of distinctive colors.  Is this description what you pointed out is in Figure 25 where the two branches are actually occurring simultaneously?  MR. CHEN: Correct, your Honor. My apologies for not noticing that second part on Slide 25. But, yes,	2 3 4 5 6 7 8	THE COURT: What's the third?  MR. KHAN: The first and second fractions with the liquid.  THE COURT: Yeah.  MR. KHAN: The first and second zones.  THE COURT: Yeah.  MR. KHAN: First and second branches.  THE COURT: Oh. Okay. Yes.
2 3 4 5 6 7 8	address, where they are referring to the separation of the beam of light into a first branch and a second branch of distinctive colors.  Is this description what you pointed out is in Figure 25 where the two branches are actually occurring simultaneously?  MR. CHEN: Correct, your Honor. My apologies for not noticing that second part on Slide 25. But, yes, that is absolutely correct.	2 3 4 5 6 7 8	THE COURT: What's the third?  MR. KHAN: The first and second fractions with the liquid.  THE COURT: Yeah.  MR. KHAN: The first and second zones.  THE COURT: Yeah.  MR. KHAN: First and second branches.  THE COURT: Oh. Okay. Yes.  MR. KHAN: All three, right?
2 3 4 5 6 7 8 9	address, where they are referring to the separation of the beam of light into a first branch and a second branch of distinctive colors.  Is this description what you pointed out is in Figure 25 where the two branches are actually occurring simultaneously?  MR. CHEN: Correct, your Honor. My apologies for not noticing that second part on Slide 25. But, yes, that is absolutely correct.  THE COURT: Okay. All right. Anything else?	2 3 4 5 6 7 8 9	THE COURT: What's the third?  MR. KHAN: The first and second fractions with the liquid.  THE COURT: Yeah.  MR. KHAN: The first and second zones.  THE COURT: Yeah.  MR. KHAN: First and second branches.  THE COURT: Oh. Okay. Yes.  MR. KHAN: All three, right?  THE COURT: Yes.
2 3 4 5 6 7 8 9 10	address, where they are referring to the separation of the beam of light into a first branch and a second branch of distinctive colors.  Is this description what you pointed out is in Figure 25 where the two branches are actually occurring simultaneously?  MR. CHEN: Correct, your Honor. My apologies for not noticing that second part on Slide 25. But, yes, that is absolutely correct.  THE COURT: Okay. All right. Anything else?  MR. CHEN: No, Your Honor. Thank you.	2 3 4 5 6 7 8 9 10	THE COURT: What's the third?  MR. KHAN: The first and second fractions with the liquid.  THE COURT: Yeah.  MR. KHAN: The first and second zones.  THE COURT: Yeah.  MR. KHAN: First and second branches.  THE COURT: Oh. Okay. Yes.  MR. KHAN: All three, right?  THE COURT: Yes.  MR. KHAN: So the specification uses the words
2 3 4 5 6 7 8 9 10 11	address, where they are referring to the separation of the beam of light into a first branch and a second branch of distinctive colors.  Is this description what you pointed out is in Figure 25 where the two branches are actually occurring simultaneously?  MR. CHEN: Correct, your Honor. My apologies for not noticing that second part on Slide 25. But, yes, that is absolutely correct.  THE COURT: Okay. All right. Anything else?  MR. CHEN: No, Your Honor. Thank you. THE COURT: All right. Mr. Khan.	2 3 4 5 6 7 8 9 10 11	THE COURT: What's the third?  MR. KHAN: The first and second fractions with the liquid.  THE COURT: Yeah.  MR. KHAN: The first and second zones.  THE COURT: Yeah.  MR. KHAN: First and second branches.  THE COURT: Oh. Okay. Yes.  MR. KHAN: All three, right?  THE COURT: Yes.  MR. KHAN: So the specification uses the words first and second not to refer to a sequencing or order,
2 3 4 5 6 7 8 9 10 11 12	address, where they are referring to the separation of the beam of light into a first branch and a second branch of distinctive colors.  Is this description what you pointed out is in Figure 25 where the two branches are actually occurring simultaneously?  MR. CHEN: Correct, your Honor. My apologies for not noticing that second part on Slide 25. But, yes, that is absolutely correct.  THE COURT: Okay. All right. Anything else?  MR. CHEN: No, Your Honor. Thank you.  THE COURT: All right. Mr. Khan.  MR. KHAN: Thank you, Your Honor.	2 3 4 5 6 7 8 9 10 11 12	THE COURT: What's the third?  MR. KHAN: The first and second fractions with the liquid.  THE COURT: Yeah.  MR. KHAN: The first and second zones.  THE COURT: Yeah.  MR. KHAN: First and second branches.  THE COURT: Oh. Okay. Yes.  MR. KHAN: All three, right?  THE COURT: Yes.  MR. KHAN: So the specification uses the words first and second not to refer to a sequencing or order, but to just refer to one element of a set of elements.
2 3 4 5 6 7 8 9 10 11 12 13	address, where they are referring to the separation of the beam of light into a first branch and a second branch of distinctive colors.  Is this description what you pointed out is in Figure 25 where the two branches are actually occurring simultaneously?  MR. CHEN: Correct, your Honor. My apologies for not noticing that second part on Slide 25. But, yes, that is absolutely correct.  THE COURT: Okay. All right. Anything else?  MR. CHEN: No, Your Honor. Thank you.  THE COURT: All right. Mr. Khan.  MR. KHAN: Thank you, Your Honor. So just to level set where I think we are	2 3 4 5 6 7 8 9 10 11 12 13	THE COURT: What's the third?  MR. KHAN: The first and second fractions with the liquid.  THE COURT: Yeah.  MR. KHAN: The first and second zones.  THE COURT: Yeah.  MR. KHAN: First and second branches.  THE COURT: Oh. Okay. Yes.  MR. KHAN: All three, right?  THE COURT: Yes.  MR. KHAN: So the specification uses the words first and second not to refer to a sequencing or order, but to just refer to one element of a set of elements.  So I think we I'm going to talk about Figure 25 in a
2 3 4 5 6 7 8 9 10 11 12 13 14	address, where they are referring to the separation of the beam of light into a first branch and a second branch of distinctive colors.  Is this description what you pointed out is in Figure 25 where the two branches are actually occurring simultaneously?  MR. CHEN: Correct, your Honor. My apologies for not noticing that second part on Slide 25. But, yes, that is absolutely correct.  THE COURT: Okay. All right. Anything else?  MR. CHEN: No, Your Honor. Thank you.  THE COURT: All right. Mr. Khan.  MR. KHAN: Thank you, Your Honor. So just to level set where I think we are now, is there's an acknowledgment from Cytek that in the	2 3 4 5 6 7 8 9 10 11 12 13 14	THE COURT: What's the third?  MR. KHAN: The first and second fractions with the liquid.  THE COURT: Yeah.  MR. KHAN: The first and second zones.  THE COURT: Yeah.  MR. KHAN: First and second branches.  THE COURT: Oh. Okay. Yes.  MR. KHAN: All three, right?  THE COURT: Yes.  MR. KHAN: So the specification uses the words first and second not to refer to a sequencing or order, but to just refer to one element of a set of elements.  So I think we I'm going to talk about Figure 25 in a second, Your Honor.
2 3 4 5 6 7 8 9 10 11 12 13 14 15	address, where they are referring to the separation of the beam of light into a first branch and a second branch of distinctive colors.  Is this description what you pointed out is in Figure 25 where the two branches are actually occurring simultaneously?  MR. CHEN: Correct, your Honor. My apologies for not noticing that second part on Slide 25. But, yes, that is absolutely correct.  THE COURT: Okay. All right. Anything else?  MR. CHEN: No, Your Honor. Thank you.  THE COURT: All right. Mr. Khan.  MR. KHAN: Thank you, Your Honor.  So just to level set where I think we are now, is there's an acknowledgment from Cytek that in the specification, first and second are used sequentially,	2 3 4 5 6 7 8 9 10 11 12 13 14 15	THE COURT: What's the third?  MR. KHAN: The first and second fractions with the liquid.  THE COURT: Yeah.  MR. KHAN: The first and second zones.  THE COURT: Yeah.  MR. KHAN: First and second branches.  THE COURT: Oh. Okay. Yes.  MR. KHAN: All three, right?  THE COURT: Yes.  MR. KHAN: So the specification uses the words first and second not to refer to a sequencing or order, but to just refer to one element of a set of elements.  So I think we I'm going to talk about Figure 25 in a second, Your Honor.  THE COURT: Yeah, but the difference is
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	address, where they are referring to the separation of the beam of light into a first branch and a second branch of distinctive colors.  Is this description what you pointed out is in Figure 25 where the two branches are actually occurring simultaneously?  MR. CHEN: Correct, your Honor. My apologies for not noticing that second part on Slide 25. But, yes, that is absolutely correct.  THE COURT: Okay. All right. Anything else?  MR. CHEN: No, Your Honor. Thank you.  THE COURT: All right. Mr. Khan.  MR. KHAN: Thank you, Your Honor.  So just to level set where I think we are now, is there's an acknowledgment from Cytek that in the specification, first and second are used sequentially, albeit they have reasons why it may not be relevant.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	THE COURT: What's the third?  MR. KHAN: The first and second fractions with the liquid.  THE COURT: Yeah.  MR. KHAN: The first and second zones.  THE COURT: Yeah.  MR. KHAN: First and second branches.  THE COURT: Oh. Okay. Yes.  MR. KHAN: All three, right?  THE COURT: Yes.  MR. KHAN: So the specification uses the words first and second not to refer to a sequencing or order, but to just refer to one element of a set of elements.  So I think we I'm going to talk about Figure 25 in a second, Your Honor.  THE COURT: Yeah, but the difference is  Well, first of all, I think we can dispense
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	address, where they are referring to the separation of the beam of light into a first branch and a second branch of distinctive colors.  Is this description what you pointed out is in Figure 25 where the two branches are actually occurring simultaneously?  MR. CHEN: Correct, your Honor. My apologies for not noticing that second part on Slide 25. But, yes, that is absolutely correct.  THE COURT: Okay. All right. Anything else?  MR. CHEN: No, Your Honor. Thank you.  THE COURT: All right. Mr. Khan.  MR. KHAN: Thank you, Your Honor. So just to level set where I think we are now, is there's an acknowledgment from Cytek that in the specification, first and second are used sequentially, albeit they have reasons why it may not be relevant. But just the words "first" and "second" are used not to	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	THE COURT: What's the third?  MR. KHAN: The first and second fractions with the liquid.  THE COURT: Yeah.  MR. KHAN: The first and second zones.  THE COURT: Yeah.  MR. KHAN: First and second branches.  THE COURT: Oh. Okay. Yes.  MR. KHAN: All three, right?  THE COURT: Yes.  MR. KHAN: So the specification uses the words first and second not to refer to a sequencing or order, but to just refer to one element of a set of elements.  So I think we I'm going to talk about Figure 25 in a second, Your Honor.  THE COURT: Yeah, but the difference is  Well, first of all, I think we can dispense with the zone and the liquid. They're just not
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	address, where they are referring to the separation of the beam of light into a first branch and a second branch of distinctive colors.  Is this description what you pointed out is in Figure 25 where the two branches are actually occurring simultaneously?  MR. CHEN: Correct, your Honor. My apologies for not noticing that second part on Slide 25. But, yes, that is absolutely correct.  THE COURT: Okay. All right. Anything else?  MR. CHEN: No, Your Honor. Thank you.  THE COURT: All right. Mr. Khan.  MR. KHAN: Thank you, Your Honor.  So just to level set where I think we are now, is there's an acknowledgment from Cytek that in the specification, first and second are used sequentially, albeit they have reasons why it may not be relevant. But just the words "first" and "second" are used not to denote sequence or order.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	THE COURT: What's the third?  MR. KHAN: The first and second fractions with the liquid.  THE COURT: Yeah.  MR. KHAN: The first and second zones.  THE COURT: Yeah.  MR. KHAN: First and second branches.  THE COURT: Oh. Okay. Yes.  MR. KHAN: All three, right?  THE COURT: Yes.  MR. KHAN: So the specification uses the words first and second not to refer to a sequencing or order, but to just refer to one element of a set of elements.  So I think we I'm going to talk about Figure 25 in a second, Your Honor.  THE COURT: Yeah, but the difference is  Well, first of all, I think we can dispense with the zone and the liquid. They're just not relevant.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	address, where they are referring to the separation of the beam of light into a first branch and a second branch of distinctive colors.  Is this description what you pointed out is in Figure 25 where the two branches are actually occurring simultaneously?  MR. CHEN: Correct, your Honor. My apologies for not noticing that second part on Slide 25. But, yes, that is absolutely correct.  THE COURT: Okay. All right. Anything else?  MR. CHEN: No, Your Honor. Thank you.  THE COURT: All right. Mr. Khan.  MR. KHAN: Thank you, Your Honor.  So just to level set where I think we are now, is there's an acknowledgment from Cytek that in the specification, first and second are used sequentially, albeit they have reasons why it may not be relevant. But just the words "first" and "second" are used not to denote sequence or order.  THE COURT: Wait. Wait. What?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	THE COURT: What's the third?  MR. KHAN: The first and second fractions with the liquid.  THE COURT: Yeah.  MR. KHAN: The first and second zones.  THE COURT: Yeah.  MR. KHAN: First and second branches.  THE COURT: Oh. Okay. Yes.  MR. KHAN: All three, right?  THE COURT: Yes.  MR. KHAN: So the specification uses the words first and second not to refer to a sequencing or order, but to just refer to one element of a set of elements.  So I think we I'm going to talk about Figure 25 in a second, Your Honor.  THE COURT: Yeah, but the difference is  Well, first of all, I think we can dispense with the zone and the liquid. They're just not relevant.  We're talking about the optical path, right?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	address, where they are referring to the separation of the beam of light into a first branch and a second branch of distinctive colors.  Is this description what you pointed out is in Figure 25 where the two branches are actually occurring simultaneously?  MR. CHEN: Correct, your Honor. My apologies for not noticing that second part on Slide 25. But, yes, that is absolutely correct.  THE COURT: Okay. All right. Anything else?  MR. CHEN: No, Your Honor. Thank you.  THE COURT: All right. Mr. Khan.  MR. KHAN: Thank you, Your Honor.  So just to level set where I think we are now, is there's an acknowledgment from Cytek that in the specification, first and second are used sequentially, albeit they have reasons why it may not be relevant. But just the words "first" and "second" are used not to denote sequence or order.  THE COURT: Wait. Wait. What? They acknowledge that at least one of your	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	THE COURT: What's the third?  MR. KHAN: The first and second fractions with the liquid.  THE COURT: Yeah.  MR. KHAN: The first and second zones.  THE COURT: Yeah.  MR. KHAN: First and second branches.  THE COURT: Oh. Okay. Yes.  MR. KHAN: All three, right?  THE COURT: Yes.  MR. KHAN: So the specification uses the words first and second not to refer to a sequencing or order, but to just refer to one element of a set of elements.  So I think we I'm going to talk about Figure 25 in a second, Your Honor.  THE COURT: Yeah, but the difference is  Well, first of all, I think we can dispense with the zone and the liquid. They're just not relevant.  We're talking about the optical path, right?  MR. KHAN: The zone is in the optical path.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	address, where they are referring to the separation of the beam of light into a first branch and a second branch of distinctive colors.  Is this description what you pointed out is in Figure 25 where the two branches are actually occurring simultaneously?  MR. CHEN: Correct, your Honor. My apologies for not noticing that second part on Slide 25. But, yes, that is absolutely correct.  THE COURT: Okay. All right. Anything else?  MR. CHEN: No, Your Honor. Thank you.  THE COURT: All right. Mr. Khan.  MR. KHAN: Thank you, Your Honor.  So just to level set where I think we are now, is there's an acknowledgment from Cytek that in the specification, first and second are used sequentially, albeit they have reasons why it may not be relevant. But just the words "first" and "second" are used not to denote sequence or order.  THE COURT: Wait. Wait. What?  They acknowledge that at least one of your examples, actually two. They acknowledge that two of	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	THE COURT: What's the third?  MR. KHAN: The first and second fractions with the liquid.  THE COURT: Yeah.  MR. KHAN: The first and second zones.  THE COURT: Yeah.  MR. KHAN: First and second branches.  THE COURT: Oh. Okay. Yes.  MR. KHAN: All three, right?  THE COURT: Yes.  MR. KHAN: So the specification uses the words first and second not to refer to a sequencing or order, but to just refer to one element of a set of elements. So I think we I'm going to talk about Figure 25 in a second, Your Honor.  THE COURT: Yeah, but the difference is  Well, first of all, I think we can dispense with the zone and the liquid. They're just not relevant.  We're talking about the optical path, right?  MR. KHAN: The zone is in the optical path.  THE COURT: It might be in it, but it is
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	address, where they are referring to the separation of the beam of light into a first branch and a second branch of distinctive colors.  Is this description what you pointed out is in Figure 25 where the two branches are actually occurring simultaneously?  MR. CHEN: Correct, your Honor. My apologies for not noticing that second part on Slide 25. But, yes, that is absolutely correct.  THE COURT: Okay. All right. Anything else?  MR. CHEN: No, Your Honor. Thank you.  THE COURT: All right. Mr. Khan.  MR. KHAN: Thank you, Your Honor.  So just to level set where I think we are now, is there's an acknowledgment from Cytek that in the specification, first and second are used sequentially, albeit they have reasons why it may not be relevant.  But just the words "first" and "second" are used not to denote sequence or order.  THE COURT: Wait. Wait. What?  They acknowledge that at least one of your examples, actually two. They acknowledge that two of your examples about first and second do not necessarily	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	THE COURT: What's the third?  MR. KHAN: The first and second fractions with the liquid.  THE COURT: Yeah.  MR. KHAN: The first and second zones.  THE COURT: Yeah.  MR. KHAN: First and second branches.  THE COURT: Oh. Okay. Yes.  MR. KHAN: All three, right?  THE COURT: Yes.  MR. KHAN: So the specification uses the words first and second not to refer to a sequencing or order, but to just refer to one element of a set of elements.  So I think we I'm going to talk about Figure 25 in a second, Your Honor.  THE COURT: Yeah, but the difference is  Well, first of all, I think we can dispense with the zone and the liquid. They're just not relevant.  We're talking about the optical path, right?  MR. KHAN: The zone is in the optical path.  THE COURT: It might be in it, but it is  Actually, I mean, I'm trying to figure out if
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	address, where they are referring to the separation of the beam of light into a first branch and a second branch of distinctive colors.  Is this description what you pointed out is in Figure 25 where the two branches are actually occurring simultaneously?  MR. CHEN: Correct, your Honor. My apologies for not noticing that second part on Slide 25. But, yes, that is absolutely correct.  THE COURT: Okay. All right. Anything else?  MR. CHEN: No, Your Honor. Thank you.  THE COURT: All right. Mr. Khan.  MR. KHAN: Thank you, Your Honor.  So just to level set where I think we are now, is there's an acknowledgment from Cytek that in the specification, first and second are used sequentially, albeit they have reasons why it may not be relevant. But just the words "first" and "second" are used not to denote sequence or order.  THE COURT: Wait. Wait. What?  They acknowledge that at least one of your examples, actually two. They acknowledge that two of	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	THE COURT: What's the third?  MR. KHAN: The first and second fractions with the liquid.  THE COURT: Yeah.  MR. KHAN: The first and second zones.  THE COURT: Yeah.  MR. KHAN: First and second branches.  THE COURT: Oh. Okay. Yes.  MR. KHAN: All three, right?  THE COURT: Yes.  MR. KHAN: So the specification uses the words first and second not to refer to a sequencing or order, but to just refer to one element of a set of elements. So I think we I'm going to talk about Figure 25 in a second, Your Honor.  THE COURT: Yeah, but the difference is  Well, first of all, I think we can dispense with the zone and the liquid. They're just not relevant.  We're talking about the optical path, right?  MR. KHAN: The zone is in the optical path.  THE COURT: It might be in it, but it is

	Case 1:24-cv-00945-CFC-EGT Documer	nt  192-1 ‡: 13447	Filed 10/24/25 Page 16 of 50 PageID
1	Lines 45 through 50, does not help your	1	MR. KHAN: And so then I want to talk about
2	I just don't see how it's relevant.	2	Figure 25, Your Honor.
3	MR. KHAN: So the composite microscope	3	THE COURT: Yeah. That's the one you need to
4	objective is what is collecting the light	4	talk about, which you just said is the more exemplary
5	THE COURT: Right.	5	embodiment in the patent.
6	MR. KHAN: from the flow cell. So it is in	6	MR. KHAN: It is discussed the most, yes.
7	the optical path.	7	THE COURT: Right. And it seems pretty clear
8	And I think Mr. Chen's diagrams actually	8	it is discussing first and second sequentially.
9	showed the light flowing through that composite	9	MR. KHAN: Not quite, Your Honor.
10	microscope objective. So it is in the optical path.	10	So with respect to the filters, it may be
11	THE COURT: Is it bouncing it back, right? I	11	saying that the first filter is in sequence is also
12	mean, is it coming in and bouncing off the concave mirror	12	the first in sequence.
13	or is it going through it?	13	THE COURT: Right.
14	MR. KHAN: The composite microscope objective	14	MR. KHAN: With respect to the branch of the
15	is there to collect the light that's coming off the cell	15	optical path, remember Mr. Chen agreed that first branch
16	that's going through the flow cell. And then, as we	16	
			and second branch in the optical path, it splits.
17	discussed earlier, there are it's passed down to the	17	THE COURT: Agree.
18	fiber optic cable, and then essentially to the detectors	18	MR. KHAN: So it's not referring to a sequence
19	downstream through the WDM.	19	order there.
20	But the composite microscope objective is	20	And then if we can look at Slide 25, right,
21	definitely in the optical path. It is responsible for	21	of sorry, Slide 26 of Beckman's presentation, the
22	collecting light from the flow cell.	22	focusing lenses all the way to the right, right, the
23	THE COURT: All right. We will come back to	23	focusing lenses, there's an initial focusing element and
24	the objective branch or to the concave mirror and the	24	then a first focusing element.
	corrector plate.	25	THE COURT: Right. And your point is that 908
25	•		111111. Aug. 11 aug pour 10 diet 500
25	59		60
1		1	
	59		60
1	59 is	1	60  THE COURT: Okay. Would you agree at least,
1 2	is  MR. KHAN: Exactly. That's the 906 and 908	1 2	THE COURT: Okay. Would you agree at least, though, that when it comes to filters, first and second
1 2 3	is  MR. KHAN: Exactly. That's the 906 and 908 point.	1 2 3	THE COURT: Okay. Would you agree at least, though, that when it comes to filters, first and second should be sequential?
1 2 3 4	is  MR. KHAN: Exactly. That's the 906 and 908  point.  THE COURT: Right.	1 2 3 4	THE COURT: Okay. Would you agree at least, though, that when it comes to filters, first and second should be sequential?  MR. KHAN: No, Your Honor.
1 2 3 4 5	is  MR. KHAN: Exactly. That's the 906 and 908  point.  THE COURT: Right.  MR. KHAN: The 908 is referred to as the first	1 2 3 4 5	THE COURT: Okay. Would you agree at least, though, that when it comes to filters, first and second should be sequential?  MR. KHAN: No, Your Honor.  THE COURT: Well, how can you not when the only
1 2 3 4 5	is  MR. KHAN: Exactly. That's the 906 and 908  point.  THE COURT: Right.  MR. KHAN: The 908 is referred to as the first focusing element, but the initial focusing element is	1 2 3 4 5	THE COURT: Okay. Would you agree at least, though, that when it comes to filters, first and second should be sequential?  MR. KHAN: No, Your Honor.  THE COURT: Well, how can you not when the only
1 2 3 4 5 6 7	is  MR. KHAN: Exactly. That's the 906 and 908  point.  THE COURT: Right.  MR. KHAN: The 908 is referred to as the first focusing element, but the initial focusing element is 905.	1 2 3 4 5 6	THE COURT: Okay. Would you agree at least, though, that when it comes to filters, first and second should be sequential?  MR. KHAN: No, Your Honor.  THE COURT: Well, how can you not when the only  Well, then, can you point to any other filter
1 2 3 4 5 6 7 8 9	is  MR. KHAN: Exactly. That's the 906 and 908  point.  THE COURT: Right.  MR. KHAN: The 908 is referred to as the first focusing element, but the initial focusing element is 905.  THE COURT: Right.	1 2 3 4 5 6 7 8	THE COURT: Okay. Would you agree at least, though, that when it comes to filters, first and second should be sequential?  MR. KHAN: No, Your Honor.  THE COURT: Well, how can you not when the only  Well, then, can you point to any other filter besides the two filters identified in Figure 25 where
1 2 3 4 5 6 7 8 9 110	is  MR. KHAN: Exactly. That's the 906 and 908  point.  THE COURT: Right.  MR. KHAN: The 908 is referred to as the first focusing element, but the initial focusing element is 905.  THE COURT: Right.  MR. KHAN: And so in Figure 5, we've discussed	1 2 3 4 5 6 7 8 9	THE COURT: Okay. Would you agree at least, though, that when it comes to filters, first and second should be sequential?  MR. KHAN: No, Your Honor.  THE COURT: Well, how can you not when the only  Well, then, can you point to any other filter besides the two filters identified in Figure 25 where first and second are used non-sequentially?
1 2 3 4 5 6 7 8 9	is  MR. KHAN: Exactly. That's the 906 and 908  point.  THE COURT: Right.  MR. KHAN: The 908 is referred to as the first focusing element, but the initial focusing element is 905.  THE COURT: Right.  MR. KHAN: And so in Figure 5, we've discussed today, Your Honor, three different aspects of Figure 5.	1 2 3 4 5 6 7 8 9	THE COURT: Okay. Would you agree at least, though, that when it comes to filters, first and second should be sequential?  MR. KHAN: No, Your Honor.  THE COURT: Well, how can you not when the only  Well, then, can you point to any other filter besides the two filters identified in Figure 25 where first and second are used non-sequentially?  MR. KHAN: I don't think we have that, Your
1 2 3 4 5 6 7 8 9 110 111 112	is  MR. KHAN: Exactly. That's the 906 and 908  point.  THE COURT: Right.  MR. KHAN: The 908 is referred to as the first focusing element, but the initial focusing element is 905.  THE COURT: Right.  MR. KHAN: And so in Figure 5, we've discussed today, Your Honor, three different aspects of Figure 5.  I would submit two out of three of them are usage of first and second in a nonsequential way.	1 2 3 4 5 6 7 8 9 10	THE COURT: Okay. Would you agree at least, though, that when it comes to filters, first and second should be sequential?  MR. KHAN: No, Your Honor.  THE COURT: Well, how can you not when the only  Well, then, can you point to any other filter besides the two filters identified in Figure 25 where first and second are used non-sequentially?  MR. KHAN: I don't think we have that, Your Honor. But the answer to that is we don't limit to the preferred embodiment.
1 2 3 4 5 6 7 8 9 110 111 112 113	is  MR. KHAN: Exactly. That's the 906 and 908  point.  THE COURT: Right.  MR. KHAN: The 908 is referred to as the first focusing element, but the initial focusing element is 905.  THE COURT: Right.  MR. KHAN: And so in Figure 5, we've discussed today, Your Honor, three different aspects of Figure 5.  I would submit two out of three of them are usage of first and second in a nonsequential way.  We've talked about the filters. Maybe the	1 2 3 4 5 6 7 8 9 10 11	THE COURT: Okay. Would you agree at least, though, that when it comes to filters, first and second should be sequential?  MR. KHAN: No, Your Honor.  THE COURT: Well, how can you not when the only  Well, then, can you point to any other filter besides the two filters identified in Figure 25 where first and second are used non-sequentially?  MR. KHAN: I don't think we have that, Your Honor. But the answer to that is we don't limit to the preferred embodiment.  So the first and second throughout the
1 2 3 4 5 6 7 8 9 110 111 112 113 114	is  MR. KHAN: Exactly. That's the 906 and 908  point.  THE COURT: Right.  MR. KHAN: The 908 is referred to as the first focusing element, but the initial focusing element is 905.  THE COURT: Right.  MR. KHAN: And so in Figure 5, we've discussed today, Your Honor, three different aspects of Figure 5. I would submit two out of three of them are usage of first and second in a nonsequential way.  We've talked about the filters. Maybe the filters first and second are used in sequence. Not in	1 2 3 4 5 6 7 8 9 10 11 12 13	THE COURT: Okay. Would you agree at least, though, that when it comes to filters, first and second should be sequential?  MR. KHAN: No, Your Honor.  THE COURT: Well, how can you not when the only  Well, then, can you point to any other filter besides the two filters identified in Figure 25 where first and second are used non-sequentially?  MR. KHAN: I don't think we have that, Your Honor. But the answer to that is we don't limit to the preferred embodiment.  So the first and second throughout the specification is used in a nonsequential way. In one
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15	is  MR. KHAN: Exactly. That's the 906 and 908  point.  THE COURT: Right.  MR. KHAN: The 908 is referred to as the first focusing element, but the initial focusing element is 905.  THE COURT: Right.  MR. KHAN: And so in Figure 5, we've discussed today, Your Honor, three different aspects of Figure 5.  I would submit two out of three of them are usage of first and second in a nonsequential way.  We've talked about the filters. Maybe the filters first and second are used in sequence. Not in the branches, not in the focusing element.	1 2 3 4 5 6 7 8 9 10 11 12 13 14	THE COURT: Okay. Would you agree at least, though, that when it comes to filters, first and second should be sequential?  MR. KHAN: No, Your Honor.  THE COURT: Well, how can you not when the only  Well, then, can you point to any other filter besides the two filters identified in Figure 25 where first and second are used non-sequentially?  MR. KHAN: I don't think we have that, Your Honor. But the answer to that is we don't limit to the preferred embodiment.  So the first and second throughout the specification is used in a nonsequential way. In one instance, perhaps, it's use in a sequential way.
1 2 3 4 5 6 7 8 9 110 111 12 113 114 115 116	is  MR. KHAN: Exactly. That's the 906 and 908  point.  THE COURT: Right.  MR. KHAN: The 908 is referred to as the first focusing element, but the initial focusing element is 905.  THE COURT: Right.  MR. KHAN: And so in Figure 5, we've discussed today, Your Honor, three different aspects of Figure 5.  I would submit two out of three of them are usage of first and second in a nonsequential way.  We've talked about the filters. Maybe the filters first and second are used in sequence. Not in the branches, not in the focusing element.  The specification is pretty clear, Your	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15	THE COURT: Okay. Would you agree at least, though, that when it comes to filters, first and second should be sequential?  MR. KHAN: No, Your Honor.  THE COURT: Well, how can you not when the only  Well, then, can you point to any other filter besides the two filters identified in Figure 25 where first and second are used non-sequentially?  MR. KHAN: I don't think we have that, Your Honor. But the answer to that is we don't limit to the preferred embodiment.  So the first and second throughout the specification is used in a nonsequential way. In one instance, perhaps, it's use in a sequential way.  THE COURT: Right. But you said "preferred
1 2 3 4 5 6 7 8 9 110 111 112 113 114 115 116 117	is  MR. KHAN: Exactly. That's the 906 and 908  point.  THE COURT: Right.  MR. KHAN: The 908 is referred to as the first focusing element, but the initial focusing element is 905.  THE COURT: Right.  MR. KHAN: And so in Figure 5, we've discussed today, Your Honor, three different aspects of Figure 5. I would submit two out of three of them are usage of first and second in a nonsequential way.  We've talked about the filters. Maybe the filters first and second are used in sequence. Not in the branches, not in the focusing element.  The specification is pretty clear, Your Honor, that first and second are not exclusively limited	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	THE COURT: Okay. Would you agree at least, though, that when it comes to filters, first and second should be sequential?  MR. KHAN: No, Your Honor.  THE COURT: Well, how can you not when the only  Well, then, can you point to any other filter besides the two filters identified in Figure 25 where first and second are used non-sequentially?  MR. KHAN: I don't think we have that, Your Honor. But the answer to that is we don't limit to the preferred embodiment.  So the first and second throughout the specification is used in a nonsequential way. In one instance, perhaps, it's use in a sequential way.  THE COURT: Right. But you said "preferred embodiment," and you keep doing it. We don't have a
1 2 3 4 5 6 7 8 9 110 111 112 113 114 115 116 117 118	is  MR. KHAN: Exactly. That's the 906 and 908  point.  THE COURT: Right.  MR. KHAN: The 908 is referred to as the first focusing element, but the initial focusing element is 905.  THE COURT: Right.  MR. KHAN: And so in Figure 5, we've discussed today, Your Honor, three different aspects of Figure 5. I would submit two out of three of them are usage of first and second in a nonsequential way.  We've talked about the filters. Maybe the filters first and second are used in sequence. Not in the branches, not in the focusing element.  The specification is pretty clear, Your Honor, that first and second are not exclusively limited to use or usage in any aspect of the device in a	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	THE COURT: Okay. Would you agree at least, though, that when it comes to filters, first and second should be sequential?  MR. KHAN: No, Your Honor.  THE COURT: Well, how can you not when the only  Well, then, can you point to any other filter besides the two filters identified in Figure 25 where first and second are used non-sequentially?  MR. KHAN: I don't think we have that, Your Honor. But the answer to that is we don't limit to the preferred embodiment.  So the first and second throughout the specification is used in a nonsequential way. In one instance, perhaps, it's use in a sequential way.  THE COURT: Right. But you said "preferred embodiment," and you keep doing it. We don't have a preferred embodiment.
1 2 3 4 5 6 7 8 9 100 111 112 113 114 115 116 117 118 119	is  MR. KHAN: Exactly. That's the 906 and 908  point.  THE COURT: Right.  MR. KHAN: The 908 is referred to as the first focusing element, but the initial focusing element is 905.  THE COURT: Right.  MR. KHAN: And so in Figure 5, we've discussed today, Your Honor, three different aspects of Figure 5.  I would submit two out of three of them are usage of first and second in a nonsequential way.  We've talked about the filters. Maybe the filters first and second are used in sequence. Not in the branches, not in the focusing element.  The specification is pretty clear, Your Honor, that first and second are not exclusively limited to use or usage in any aspect of the device in a sequential or ordered manner.	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	THE COURT: Okay. Would you agree at least, though, that when it comes to filters, first and second should be sequential?  MR. KHAN: No, Your Honor.  THE COURT: Well, how can you not when the only  Well, then, can you point to any other filter besides the two filters identified in Figure 25 where first and second are used non-sequentially?  MR. KHAN: I don't think we have that, Your Honor. But the answer to that is we don't limit to the preferred embodiment.  So the first and second throughout the specification is used in a nonsequential way. In one instance, perhaps, it's use in a sequential way.  THE COURT: Right. But you said "preferred embodiment," and you keep doing it. We don't have a preferred embodiment.  MR. KHAN: Oh, sorry. Exemplary embodiment.
1 2 3 4 5 6 7 8 9 110 111 112 113 114 115 116 117 118 119 220	is  MR. KHAN: Exactly. That's the 906 and 908  point.  THE COURT: Right.  MR. KHAN: The 908 is referred to as the first focusing element, but the initial focusing element is 905.  THE COURT: Right.  MR. KHAN: And so in Figure 5, we've discussed today, Your Honor, three different aspects of Figure 5.  I would submit two out of three of them are usage of first and second in a nonsequential way.  We've talked about the filters. Maybe the filters first and second are used in sequence. Not in the branches, not in the focusing element.  The specification is pretty clear, Your Honor, that first and second are not exclusively limited to use or usage in any aspect of the device in a sequential or ordered manner.  THE COURT: Okay. Now, hold on. The claimed	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	THE COURT: Okay. Would you agree at least, though, that when it comes to filters, first and second should be sequential?  MR. KHAN: No, Your Honor.  THE COURT: Well, how can you not when the only  Well, then, can you point to any other filter besides the two filters identified in Figure 25 where first and second are used non-sequentially?  MR. KHAN: I don't think we have that, Your Honor. But the answer to that is we don't limit to the preferred embodiment.  So the first and second throughout the specification is used in a nonsequential way. In one instance, perhaps, it's use in a sequential way.  THE COURT: Right. But you said "preferred embodiment," and you keep doing it. We don't have a preferred embodiment.  MR. KHAN: Oh, sorry. Exemplary embodiment.  THE COURT: But I think it's telling that you
1 2 3 4 5 6 7 8 9 110 111 112 113 114 115 116 117 118 119 220 221	is  MR. KHAN: Exactly. That's the 906 and 908  point.  THE COURT: Right.  MR. KHAN: The 908 is referred to as the first focusing element, but the initial focusing element is 905.  THE COURT: Right.  MR. KHAN: And so in Figure 5, we've discussed today, Your Honor, three different aspects of Figure 5. I would submit two out of three of them are usage of first and second in a nonsequential way.  We've talked about the filters. Maybe the filters first and second are used in sequence. Not in the branches, not in the focusing element.  The specification is pretty clear, Your Honor, that first and second are not exclusively limited to use or usage in any aspect of the device in a sequential or ordered manner.  THE COURT: Okay. Now, hold on. The claimed language that's at issue is the first what?	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	THE COURT: Okay. Would you agree at least, though, that when it comes to filters, first and second should be sequential?  MR. KHAN: No, Your Honor.  THE COURT: Well, how can you not when the only  Well, then, can you point to any other filter besides the two filters identified in Figure 25 where first and second are used non-sequentially?  MR. KHAN: I don't think we have that, Your Honor. But the answer to that is we don't limit to the preferred embodiment.  So the first and second throughout the specification is used in a nonsequential way. In one instance, perhaps, it's use in a sequential way.  THE COURT: Right. But you said "preferred embodiment," and you keep doing it. We don't have a preferred embodiment.  MR. KHAN: Oh, sorry. Exemplary embodiment.  THE COURT: But I think it's telling that you keep referring to it that way. It really is. And your
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	is  MR. KHAN: Exactly. That's the 906 and 908  point.  THE COURT: Right.  MR. KHAN: The 908 is referred to as the first focusing element, but the initial focusing element is 905.  THE COURT: Right.  MR. KHAN: And so in Figure 5, we've discussed today, Your Honor, three different aspects of Figure 5. I would submit two out of three of them are usage of first and second in a nonsequential way.  We've talked about the filters. Maybe the filters first and second are used in sequence. Not in the branches, not in the focusing element.  The specification is pretty clear, Your Honor, that first and second are not exclusively limited to use or usage in any aspect of the device in a sequential or ordered manner.  THE COURT: Okay. Now, hold on. The claimed language that's at issue is the first what?  MR. KHAN: It is they have claims that are	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	THE COURT: Okay. Would you agree at least, though, that when it comes to filters, first and second should be sequential?  MR. KHAN: No, Your Honor.  THE COURT: Well, how can you not when the only  Well, then, can you point to any other filter besides the two filters identified in Figure 25 where first and second are used non-sequentially?  MR. KHAN: I don't think we have that, Your Honor. But the answer to that is we don't limit to the preferred embodiment.  So the first and second throughout the specification is used in a nonsequential way. In one instance, perhaps, it's use in a sequential way.  THE COURT: Right. But you said "preferred embodiment," and you keep doing it. We don't have a preferred embodiment.  MR. KHAN: Oh, sorry. Exemplary embodiment.  THE COURT: But I think it's telling that you keep referring to it that way. It really is. And your whole brief is telling. When you keep saying it's the
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	is  MR. KHAN: Exactly. That's the 906 and 908  point.  THE COURT: Right.  MR. KHAN: The 908 is referred to as the first focusing element, but the initial focusing element is 905.  THE COURT: Right.  MR. KHAN: And so in Figure 5, we've discussed today, Your Honor, three different aspects of Figure 5.  I would submit two out of three of them are usage of first and second in a nonsequential way.  We've talked about the filters. Maybe the filters first and second are used in sequence. Not in the branches, not in the focusing element.  The specification is pretty clear, Your Honor, that first and second are not exclusively limited to use or usage in any aspect of the device in a sequential or ordered manner.  THE COURT: Okay. Now, hold on. The claimed language that's at issue is the first what?  MR. KHAN: It is they have claims that are referring to first and second branch, first and second	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	THE COURT: Okay. Would you agree at least, though, that when it comes to filters, first and second should be sequential?  MR. KHAN: No, Your Honor.  THE COURT: Well, how can you not when the only  Well, then, can you point to any other filter besides the two filters identified in Figure 25 where first and second are used non-sequentially?  MR. KHAN: I don't think we have that, Your Honor. But the answer to that is we don't limit to the preferred embodiment.  So the first and second throughout the specification is used in a nonsequential way. In one instance, perhaps, it's use in a sequential way.  THE COURT: Right. But you said "preferred embodiment," and you keep doing it. We don't have a preferred embodiment.  MR. KHAN: Oh, sorry. Exemplary embodiment.  THE COURT: But I think it's telling that you keep referring to it that way. It really is. And your whole brief is telling. When you keep saying it's the preferred embodiment, it's not reading it out.
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	is  MR. KHAN: Exactly. That's the 906 and 908  point.  THE COURT: Right.  MR. KHAN: The 908 is referred to as the first focusing element, but the initial focusing element is 905.  THE COURT: Right.  MR. KHAN: And so in Figure 5, we've discussed today, Your Honor, three different aspects of Figure 5. I would submit two out of three of them are usage of first and second in a nonsequential way.  We've talked about the filters. Maybe the filters first and second are used in sequence. Not in the branches, not in the focusing element.  The specification is pretty clear, Your Honor, that first and second are not exclusively limited to use or usage in any aspect of the device in a sequential or ordered manner.  THE COURT: Okay. Now, hold on. The claimed language that's at issue is the first what?  MR. KHAN: It is they have claims that are	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	THE COURT: Okay. Would you agree at least, though, that when it comes to filters, first and second should be sequential?  MR. KHAN: No, Your Honor.  THE COURT: Well, how can you not when the only  Well, then, can you point to any other filter besides the two filters identified in Figure 25 where first and second are used non-sequentially?  MR. KHAN: I don't think we have that, Your Honor. But the answer to that is we don't limit to the preferred embodiment.  So the first and second throughout the specification is used in a nonsequential way. In one instance, perhaps, it's use in a sequential way.  THE COURT: Right. But you said "preferred embodiment," and you keep doing it. We don't have a preferred embodiment.  MR. KHAN: Oh, sorry. Exemplary embodiment.  THE COURT: But I think it's telling that you keep referring to it that way. It really is. And your whole brief is telling. When you keep saying it's the

	Case 1:24-cv-00945-CFC-EGT Document	192-1 13448	Filed 10/24/25 Page 17 of 50 PageID 62
1	specification, in light of the written description.	1	Your Honor, I am willing to stipulate here that initial
2	What could be more probative than the written	2	set initial filter of a set of filters is going to be
3	description?	3	the first in the sequence.
4	MR. KHAN: Agree with you.	4	THE COURT: All right. Well, you
5	THE COURT: And the only filters that are	5	MR. KHAN: So I don't think the contentions
6	discussed as first and second are sequential.	6	you know, they are irrelevant in
7	MR. KHAN: Right. And, but there are	7	THE COURT: Well, wait. Time out. Time out.
8	focusing so just because the words "first" and	8	Time out.
9	"second" in that instance are used in a sequential way,	9	MR. KHAN: Yes.
10	doesn't mean that the written description as a whole is	10	THE COURT: Why did you take that position in
11	intending to use "first" and "second" in a sequential	11	your infringement contentions in February? Did you write
12	way. We've got lots of instances of the written	12	them?
13	description not using the words "first" and "second" in a	13	MR. KHAN: We wrote them, Your Honor.
14	sequential way.	14	THE COURT: Why did you write them?
15	THE COURT: Okay. But I just want to sum up.	15	MR. KHAN: The contentions are referring to
16	Can you point to any instance in the written description	16	they're saying look up to Claim 9. In Claim 9 it doesn't
17	where "first" and "second" are used to describe a filter	17	say initial filter.
18	and not used sequentially?	18	So we're incorporating by reference the prior
19		19	
	MR. KHAN: I can look into that, Your Honor.		discussion of Claim 9, and we're saying look at Claim 9,
20	I don't think there is such an example.	20	any one of them can be the first filter, and then what
21	THE COURT: I don't think there is either.	21	follows is a discussion of the initial filter.
22	MR. KHAN: But, and then I wanted to come back	22	And I think we can show you that in a letter
23	to the claim the infringement contentions that	23	submission to the Court. We don't have the none of
	THE COURT: Yes, you should come back to that.	24	this was briefed, so it's sort of hard to understand
24			
24 25	MR. KHAN: So, essentially, in that instance,	25	what to do.
25	63 But what I'm willing to say, Your Honor, is	1	64 So in so where the claims are talking
25 1 2	But what I'm willing to say, Your Honor, is the initial filter of a set of filters is going to be	1 2	64  So in so where the claims are talking about the filters and mirrors being organized in
25 1 2 3	But what I'm willing to say, Your Honor, is the initial filter of a set of filters is going to be the first in the sequence.	1 2 3	So in so where the claims are talking about the filters and mirrors being organized in relation to the optical path, that's claimed in that
25 1 2 3 4	But what I'm willing to say, Your Honor, is the initial filter of a set of filters is going to be the first in the sequence.  THE COURT: Okay.	1 2 3 4	So in so where the claims are talking about the filters and mirrors being organized in relation to the optical path, that's claimed in that way. We don't there's no requirement that they be
25 1 2 3 4 5	But what I'm willing to say, Your Honor, is the initial filter of a set of filters is going to be the first in the sequence.  THE COURT: Okay.  MR. KHAN: So, hopefully, that resolves the	1 2 3 4 5	So in so where the claims are talking about the filters and mirrors being organized in relation to the optical path, that's claimed in that way. We don't there's no requirement that they be claimed that way in every single claim. And I think
1 2 3 4 5 6	But what I'm willing to say, Your Honor, is the initial filter of a set of filters is going to be the first in the sequence.  THE COURT: Okay.  MR. KHAN: So, hopefully, that resolves the issue. To the extent that there's a problem with the	1 2 3 4 5	So in so where the claims are talking about the filters and mirrors being organized in relation to the optical path, that's claimed in that way. We don't there's no requirement that they be claimed that way in every single claim. And I think that's, basically, the point, Your Honor.
1 2 3 4 5 6 7	But what I'm willing to say, Your Honor, is the initial filter of a set of filters is going to be the first in the sequence.  THE COURT: Okay.  MR. KHAN: So, hopefully, that resolves the	1 2 3 4 5 6	So in so where the claims are talking about the filters and mirrors being organized in relation to the optical path, that's claimed in that way. We don't there's no requirement that they be claimed that way in every single claim. And I think that's, basically, the point, Your Honor.  THE COURT: Okay. Can you point to any
1 2 3 4 5 6	But what I'm willing to say, Your Honor, is the initial filter of a set of filters is going to be the first in the sequence.  THE COURT: Okay.  MR. KHAN: So, hopefully, that resolves the issue. To the extent that there's a problem with the	1 2 3 4 5	So in so where the claims are talking about the filters and mirrors being organized in relation to the optical path, that's claimed in that way. We don't there's no requirement that they be claimed that way in every single claim. And I think that's, basically, the point, Your Honor.
1 2 3 4 5 6 7	But what I'm willing to say, Your Honor, is the initial filter of a set of filters is going to be the first in the sequence.  THE COURT: Okay.  MR. KHAN: So, hopefully, that resolves the issue. To the extent that there's a problem with the infringement contentions I don't think there is	1 2 3 4 5 6	So in so where the claims are talking about the filters and mirrors being organized in relation to the optical path, that's claimed in that way. We don't there's no requirement that they be claimed that way in every single claim. And I think that's, basically, the point, Your Honor.  THE COURT: Okay. Can you point to any
1 2 3 4 5 6 7 8	But what I'm willing to say, Your Honor, is the initial filter of a set of filters is going to be the first in the sequence.  THE COURT: Okay.  MR. KHAN: So, hopefully, that resolves the issue. To the extent that there's a problem with the infringement contentions I don't think there is that would resolve it.	1 2 3 4 5 6 7	So in so where the claims are talking about the filters and mirrors being organized in relation to the optical path, that's claimed in that way. We don't there's no requirement that they be claimed that way in every single claim. And I think that's, basically, the point, Your Honor.  THE COURT: Okay. Can you point to any embodiment
25 1 2 3 4 5 6 7 8 9	But what I'm willing to say, Your Honor, is the initial filter of a set of filters is going to be the first in the sequence.  THE COURT: Okay.  MR. KHAN: So, hopefully, that resolves the issue. To the extent that there's a problem with the infringement contentions I don't think there is that would resolve it.  THE COURT: All right.	1 2 3 4 5 6 7 8	So in so where the claims are talking about the filters and mirrors being organized in relation to the optical path, that's claimed in that way. We don't there's no requirement that they be claimed that way in every single claim. And I think that's, basically, the point, Your Honor.  THE COURT: Okay. Can you point to any embodiment  Actually, I've already asked that question
1 2 3 4 5 6 7 8 9 10	But what I'm willing to say, Your Honor, is the initial filter of a set of filters is going to be the first in the sequence.  THE COURT: Okay.  MR. KHAN: So, hopefully, that resolves the issue. To the extent that there's a problem with the infringement contentions I don't think there is that would resolve it.  THE COURT: All right.  MR. KHAN: And then, Your Honor, if I could	1 2 3 4 5 6 7 8 9	So in so where the claims are talking about the filters and mirrors being organized in relation to the optical path, that's claimed in that way. We don't there's no requirement that they be claimed that way in every single claim. And I think that's, basically, the point, Your Honor.  THE COURT: Okay. Can you point to any embodiment  Actually, I've already asked that question sorry. We're good. All right.
1 2 3 4 5 6 7 8 9 10	But what I'm willing to say, Your Honor, is the initial filter of a set of filters is going to be the first in the sequence.  THE COURT: Okay.  MR. KHAN: So, hopefully, that resolves the issue. To the extent that there's a problem with the infringement contentions I don't think there is that would resolve it.  THE COURT: All right.  MR. KHAN: And then, Your Honor, if I could make one more point.	1 2 3 4 5 6 7 8 9 10	So in so where the claims are talking about the filters and mirrors being organized in relation to the optical path, that's claimed in that way. We don't there's no requirement that they be claimed that way in every single claim. And I think that's, basically, the point, Your Honor.  THE COURT: Okay. Can you point to any embodiment  Actually, I've already asked that question sorry. We're good. All right.  MR. CHEN: Can I make just two quick points?
25 1 2 3 4 5 6 7 8 9 10 11 12	But what I'm willing to say, Your Honor, is the initial filter of a set of filters is going to be the first in the sequence.  THE COURT: Okay.  MR. KHAN: So, hopefully, that resolves the issue. To the extent that there's a problem with the infringement contentions I don't think there is that would resolve it.  THE COURT: All right.  MR. KHAN: And then, Your Honor, if I could make one more point.  THE COURT: Yeah, go ahead.	1 2 3 4 5 6 7 8 9 10 11 12	So in so where the claims are talking about the filters and mirrors being organized in relation to the optical path, that's claimed in that way. We don't there's no requirement that they be claimed that way in every single claim. And I think that's, basically, the point, Your Honor.  THE COURT: Okay. Can you point to any embodiment  Actually, I've already asked that question sorry. We're good. All right.  MR. CHEN: Can I make just two quick points?  THE COURT: Yeah. But the first question I
25 1 2 3 4 5 6 7 8 9 10 11 12 13	But what I'm willing to say, Your Honor, is the initial filter of a set of filters is going to be the first in the sequence.  THE COURT: Okay.  MR. KHAN: So, hopefully, that resolves the issue. To the extent that there's a problem with the infringement contentions I don't think there is that would resolve it.  THE COURT: All right.  MR. KHAN: And then, Your Honor, if I could make one more point.  THE COURT: Yeah, go ahead.  MR. KHAN: It's a real quick one.	1 2 3 4 5 6 7 8 9 10 11 12 13	So in so where the claims are talking about the filters and mirrors being organized in relation to the optical path, that's claimed in that way. We don't there's no requirement that they be claimed that way in every single claim. And I think that's, basically, the point, Your Honor.  THE COURT: Okay. Can you point to any embodiment  Actually, I've already asked that question sorry. We're good. All right.  MR. CHEN: Can I make just two quick points?  THE COURT: Yeah. But the first question I have for you is; why don't I just construe first filter,
1 2 3 4 5 6 7 8 9 10 11 12 13 14	But what I'm willing to say, Your Honor, is the initial filter of a set of filters is going to be the first in the sequence.  THE COURT: Okay.  MR. KHAN: So, hopefully, that resolves the issue. To the extent that there's a problem with the infringement contentions I don't think there is that would resolve it.  THE COURT: All right.  MR. KHAN: And then, Your Honor, if I could make one more point.  THE COURT: Yeah, go ahead.  MR. KHAN: It's a real quick one. I think, essentially, their issue is	1 2 3 4 5 6 7 8 9 10 11 12 13	So in so where the claims are talking about the filters and mirrors being organized in relation to the optical path, that's claimed in that way. We don't there's no requirement that they be claimed that way in every single claim. And I think that's, basically, the point, Your Honor.  THE COURT: Okay. Can you point to any embodiment  Actually, I've already asked that question sorry. We're good. All right.  MR. CHEN: Can I make just two quick points?  THE COURT: Yeah. But the first question I have for you is; why don't I just construe first filter, when first and second are describing filters, it has to
25 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15	But what I'm willing to say, Your Honor, is the initial filter of a set of filters is going to be the first in the sequence.  THE COURT: Okay.  MR. KHAN: So, hopefully, that resolves the issue. To the extent that there's a problem with the infringement contentions I don't think there is that would resolve it.  THE COURT: All right.  MR. KHAN: And then, Your Honor, if I could make one more point.  THE COURT: Yeah, go ahead.  MR. KHAN: It's a real quick one. I think, essentially, their issue is basically that they want the ordering to be done in	1 2 3 4 5 6 7 8 9 10 11 12 13 14	So in so where the claims are talking about the filters and mirrors being organized in relation to the optical path, that's claimed in that way. We don't there's no requirement that they be claimed that way in every single claim. And I think that's, basically, the point, Your Honor.  THE COURT: Okay. Can you point to any embodiment  Actually, I've already asked that question sorry. We're good. All right.  MR. CHEN: Can I make just two quick points?  THE COURT: Yeah. But the first question I have for you is; why don't I just construe first filter, when first and second are describing filters, it has to be sequential, but when it's describing branches, it
25  1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	But what I'm willing to say, Your Honor, is the initial filter of a set of filters is going to be the first in the sequence.  THE COURT: Okay.  MR. KHAN: So, hopefully, that resolves the issue. To the extent that there's a problem with the infringement contentions I don't think there is that would resolve it.  THE COURT: All right.  MR. KHAN: And then, Your Honor, if I could make one more point.  THE COURT: Yeah, go ahead.  MR. KHAN: It's a real quick one. I think, essentially, their issue is basically that they want the ordering to be done in connection with the optical path. But there's a claim	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15	So in so where the claims are talking about the filters and mirrors being organized in relation to the optical path, that's claimed in that way. We don't there's no requirement that they be claimed that way in every single claim. And I think that's, basically, the point, Your Honor.  THE COURT: Okay. Can you point to any embodiment  Actually, I've already asked that question sorry. We're good. All right.  MR. CHEN: Can I make just two quick points?  THE COURT: Yeah. But the first question I have for you is; why don't I just construe first filter, when first and second are describing filters, it has to be sequential, but when it's describing branches, it doesn't. Or zones or whatever.
25  1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	But what I'm willing to say, Your Honor, is the initial filter of a set of filters is going to be the first in the sequence.  THE COURT: Okay.  MR. KHAN: So, hopefully, that resolves the issue. To the extent that there's a problem with the infringement contentions I don't think there is that would resolve it.  THE COURT: All right.  MR. KHAN: And then, Your Honor, if I could make one more point.  THE COURT: Yeah, go ahead.  MR. KHAN: It's a real quick one. I think, essentially, their issue is basically that they want the ordering to be done in connection with the optical path. But there's a claim that talks about that and the other claims don't talk	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	So in so where the claims are talking about the filters and mirrors being organized in relation to the optical path, that's claimed in that way. We don't there's no requirement that they be claimed that way in every single claim. And I think that's, basically, the point, Your Honor.  THE COURT: Okay. Can you point to any embodiment  Actually, I've already asked that question sorry. We're good. All right.  MR. CHEN: Can I make just two quick points?  THE COURT: Yeah. But the first question I have for you is; why don't I just construe first filter, when first and second are describing filters, it has to be sequential, but when it's describing branches, it doesn't. Or zones or whatever.  Are you good with that?
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	But what I'm willing to say, Your Honor, is the initial filter of a set of filters is going to be the first in the sequence.  THE COURT: Okay.  MR. KHAN: So, hopefully, that resolves the issue. To the extent that there's a problem with the infringement contentions I don't think there is that would resolve it.  THE COURT: All right.  MR. KHAN: And then, Your Honor, if I could make one more point.  THE COURT: Yeah, go ahead.  MR. KHAN: It's a real quick one. I think, essentially, their issue is basically that they want the ordering to be done in connection with the optical path. But there's a claim that talks about that and the other claims don't talk about that.	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	So in so where the claims are talking about the filters and mirrors being organized in relation to the optical path, that's claimed in that way. We don't there's no requirement that they be claimed that way in every single claim. And I think that's, basically, the point, Your Honor.  THE COURT: Okay. Can you point to any embodiment  Actually, I've already asked that question sorry. We're good. All right.  MR. CHEN: Can I make just two quick points?  THE COURT: Yeah. But the first question I have for you is; why don't I just construe first filter, when first and second are describing filters, it has to be sequential, but when it's describing branches, it doesn't. Or zones or whatever.  Are you good with that?  MR. CHEN: Zones and branches, I'm fine with
25 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 19 10 11 11 11 11 11 11 11 11 11	But what I'm willing to say, Your Honor, is the initial filter of a set of filters is going to be the first in the sequence.  THE COURT: Okay.  MR. KHAN: So, hopefully, that resolves the issue. To the extent that there's a problem with the infringement contentions I don't think there is that would resolve it.  THE COURT: All right.  MR. KHAN: And then, Your Honor, if I could make one more point.  THE COURT: Yeah, go ahead.  MR. KHAN: It's a real quick one.  I think, essentially, their issue is basically that they want the ordering to be done in connection with the optical path. But there's a claim that talks about that and the other claims don't talk about that.  That claim is on Slide 20. That's Claim 9 of	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	So in so where the claims are talking about the filters and mirrors being organized in relation to the optical path, that's claimed in that way. We don't there's no requirement that they be claimed that way in every single claim. And I think that's, basically, the point, Your Honor.  THE COURT: Okay. Can you point to any embodiment  Actually, I've already asked that question sorry. We're good. All right.  MR. CHEN: Can I make just two quick points?  THE COURT: Yeah. But the first question I have for you is; why don't I just construe first filter, when first and second are describing filters, it has to be sequential, but when it's describing branches, it doesn't. Or zones or whatever.  Are you good with that?  MR. CHEN: Zones and branches, I'm fine with that. But with respect to the other components in the
25  1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	But what I'm willing to say, Your Honor, is the initial filter of a set of filters is going to be the first in the sequence.  THE COURT: Okay.  MR. KHAN: So, hopefully, that resolves the issue. To the extent that there's a problem with the infringement contentions I don't think there is that would resolve it.  THE COURT: All right.  MR. KHAN: And then, Your Honor, if I could make one more point.  THE COURT: Yeah, go ahead.  MR. KHAN: It's a real quick one.  I think, essentially, their issue is basically that they want the ordering to be done in connection with the optical path. But there's a claim that talks about that and the other claims don't talk about that.  That claim is on Slide 20. That's Claim 9 of the '443 patent that says, "Wherein an optical path of	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	So in so where the claims are talking about the filters and mirrors being organized in relation to the optical path, that's claimed in that way. We don't there's no requirement that they be claimed that way in every single claim. And I think that's, basically, the point, Your Honor.  THE COURT: Okay. Can you point to any embodiment  Actually, I've already asked that question sorry. We're good. All right.  MR. CHEN: Can I make just two quick points?  THE COURT: Yeah. But the first question I have for you is; why don't I just construe first filter, when first and second are describing filters, it has to be sequential, but when it's describing branches, it doesn't. Or zones or whatever.  Are you good with that?  MR. CHEN: Zones and branches, I'm fine with that. But with respect to the other components in the WDM, first and second also have positional significance.
25  1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	But what I'm willing to say, Your Honor, is the initial filter of a set of filters is going to be the first in the sequence.  THE COURT: Okay.  MR. KHAN: So, hopefully, that resolves the issue. To the extent that there's a problem with the infringement contentions I don't think there is that would resolve it.  THE COURT: All right.  MR. KHAN: And then, Your Honor, if I could make one more point.  THE COURT: Yeah, go ahead.  MR. KHAN: It's a real quick one.  I think, essentially, their issue is basically that they want the ordering to be done in connection with the optical path. But there's a claim that talks about that and the other claims don't talk about that.  That claim is on Slide 20. That's Claim 9 of the '443 patent that says, "Wherein an optical path of the light includes a first set of the filters followed	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	So in so where the claims are talking about the filters and mirrors being organized in relation to the optical path, that's claimed in that way. We don't there's no requirement that they be claimed that way in every single claim. And I think that's, basically, the point, Your Honor.  THE COURT: Okay. Can you point to any embodiment  Actually, I've already asked that question sorry. We're good. All right.  MR. CHEN: Can I make just two quick points?  THE COURT: Yeah. But the first question I have for you is; why don't I just construe first filter, when first and second are describing filters, it has to be sequential, but when it's describing branches, it doesn't. Or zones or whatever.  Are you good with that?  MR. CHEN: Zones and branches, I'm fine with that. But with respect to the other components in the WDM, first and second also have positional significance. That's supported by
25 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	But what I'm willing to say, Your Honor, is the initial filter of a set of filters is going to be the first in the sequence.  THE COURT: Okay.  MR. KHAN: So, hopefully, that resolves the issue. To the extent that there's a problem with the infringement contentions I don't think there is that would resolve it.  THE COURT: All right.  MR. KHAN: And then, Your Honor, if I could make one more point.  THE COURT: Yeah, go ahead.  MR. KHAN: It's a real quick one.  I think, essentially, their issue is basically that they want the ordering to be done in connection with the optical path. But there's a claim that talks about that and the other claims don't talk about that.  That claim is on Slide 20. That's Claim 9 of the '443 patent that says, "Wherein an optical path of the light includes a first set of the filters followed by a first mirror."	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	So in so where the claims are talking about the filters and mirrors being organized in relation to the optical path, that's claimed in that way. We don't there's no requirement that they be claimed that way in every single claim. And I think that's, basically, the point, Your Honor.  THE COURT: Okay. Can you point to any embodiment  Actually, I've already asked that question sorry. We're good. All right.  MR. CHEN: Can I make just two quick points?  THE COURT: Yeah. But the first question I have for you is; why don't I just construe first filter, when first and second are describing filters, it has to be sequential, but when it's describing branches, it doesn't. Or zones or whatever.  Are you good with that?  MR. CHEN: Zones and branches, I'm fine with that. But with respect to the other components in the WDM, first and second also have positional significance. That's supported by  THE COURT: So show me the written description

	Case 1:24-cv-00945-CFC-EGT Documen	t 192-1 : 13449	Filed 10/24/25 Page 18 of 50 PageID
1	THE COURT: And especially given, I think a	1	that's, I think, your hardest
2	problem for you	2	That's their best argument on the written
3	MR. CHEN: Uh-huh.	3	description.
4	THE COURT: your biggest problem in the	4	MR. CHEN: They're pointing to the claim
5	written description are the optical relays, the 908 and	5	language, not written description. There's no written
6	the 905, right, where the 908 is described as the first,	6	description support in their Slide 25. If you look at
7	but actually sequentially it's second?	7	their Slide 25, what they're pointing to is Claim 1 of
8	MR. CHEN: In the can we pull up Figure 25.	8	the '582 patent.
9	Thank you.	9	This is their argument that there are no
10	The specification talks about an optical	10	claims that read onto the preferred or exemplary
11	component, a collimating optical component 902, and then	11	embodiment, an argument that we disagree with, because
12	talks about 907 as being the second optical component.	12	the '412 parent patent claims certainly map on to
13	So again, there's a sequence with respect to	13	Figure 25.
14	other components in the WDM.	14	So there's no support in the written
15	THE COURT: Hold up.	15	description argument for their Slide 25. That is an
16	So 907 is a concave mirror, right?	16	incorrect labeling. There is no be initial focusing
17	MR. CHEN: 907 can be a concave mirror,	17	element in the specification and a first focusing
18	correct, Your Honor.	18	element being 908.
19	THE COURT: Okay. But I'm talking about, I	19	That's from their claim language, and the
20	thought there was in the written description reference to	20	claim language doesn't use the numbers 906 or 908.
21	908 being designated as the first.	21	That's their own mapping of Claim 1 of the '582 patent
22	Is that an optical relay? What is it?	22	to Figure 25.
23	MR. CHEN: Oh, no. I want to address that	23	So all of the written description supports
24	argument, in fact, Your Honor.	24	our position, and so that was one point that I wanted to
25	THE COURT: Okay. That's what I'm saying,	25	make, Your Honor.
	67		68
1	The second point is, just to clarify did I go	1	to call one a first zone or a second zone. It's not
2	to the aberration corrector plate.	2	claimed. There's no first zone in the claim language.
3	Mr. Knight, it's Slide 100.	3	What we're focused on is a specific
4	Your Honor asked this question earlier, and	4	
5	- CALLET CAMERICA DE CARLO CARLO DE LA PARE DE LA CALLETA DE CALLETA DECALLETA DE CALLETA DE CALLET		configuration of the WDM in Figure 25 and how various
	what's important to point out is that this is not part	5	components in the WDM manipulate light.
6	of the WDM. It is part of the optical path, correct.	6	components in the WDM manipulate light.  And that requires a specific sequencing of
7	of the WDM. It is part of the optical path, correct.  And if we could go to Figure 31, Mr. Knight. That would	6	components in the WDM manipulate light.  And that requires a specific sequencing of the components, and so that's why the patents describe a
7 8	of the WDM. It is part of the optical path, correct.  And if we could go to Figure 31, Mr. Knight. That would be Slide 5.	6 7 8	components in the WDM manipulate light.  And that requires a specific sequencing of the components, and so that's why the patents describe a first dichroic filter, second dichroic filter, a optical
7 8 9	of the WDM. It is part of the optical path, correct.  And if we could go to Figure 31, Mr. Knight. That would be Slide 5.  Slide 5. This is the objective with the	6 7 8 9	components in the WDM manipulate light.  And that requires a specific sequencing of the components, and so that's why the patents describe a first dichroic filter, second dichroic filter, a optical element, and then a second optical element.
7 8 9 10	of the WDM. It is part of the optical path, correct.  And if we could go to Figure 31, Mr. Knight. That would be Slide 5.  Slide 5. This is the objective with the concave mirror and the aberration corrector plate.	6 7 8 9 10	components in the WDM manipulate light.  And that requires a specific sequencing of the components, and so that's why the patents describe a first dichroic filter, second dichroic filter, a optical element, and then a second optical element.  THE COURT: Right, but they describe a first
7 8 9 10 11	of the WDM. It is part of the optical path, correct.  And if we could go to Figure 31, Mr. Knight. That would be Slide 5.  Slide 5. This is the objective with the concave mirror and the aberration corrector plate.  That's the WDM up to the right side, upper right side	6 7 8 9 10	components in the WDM manipulate light.  And that requires a specific sequencing of the components, and so that's why the patents describe a first dichroic filter, second dichroic filter, a optical element, and then a second optical element.  THE COURT: Right, but they describe a first and second branch. You are saying that's
7 8 9 10 11	of the WDM. It is part of the optical path, correct.  And if we could go to Figure 31, Mr. Knight. That would be Slide 5.  Slide 5. This is the objective with the concave mirror and the aberration corrector plate.  That's the WDM up to the right side, upper right side there.	6 7 8 9 10 11	components in the WDM manipulate light.  And that requires a specific sequencing of the components, and so that's why the patents describe a first dichroic filter, second dichroic filter, a optical element, and then a second optical element.  THE COURT: Right, but they describe a first and second branch. You are saying that's  MR. CHEN: That's only in the claims language,
7 8 9 10 11 12	of the WDM. It is part of the optical path, correct.  And if we could go to Figure 31, Mr. Knight. That would be Slide 5.  Slide 5. This is the objective with the concave mirror and the aberration corrector plate.  That's the WDM up to the right side, upper right side there.  And what I was stating earlier, if we can go	6 7 8 9 10 11 12 13	components in the WDM manipulate light.  And that requires a specific sequencing of the components, and so that's why the patents describe a first dichroic filter, second dichroic filter, a optical element, and then a second optical element.  THE COURT: Right, but they describe a first and second branch. You are saying that's  MR. CHEN: That's only in the claims language, Your Honor.
7 8 9 10 11 12 13	of the WDM. It is part of the optical path, correct.  And if we could go to Figure 31, Mr. Knight. That would be Slide 5.  Slide 5. This is the objective with the concave mirror and the aberration corrector plate.  That's the WDM up to the right side, upper right side there.  And what I was stating earlier, if we can go back to Slide 100, the aberration corrector plate has	6 7 8 9 10 11 12 13	components in the WDM manipulate light.  And that requires a specific sequencing of the components, and so that's why the patents describe a first dichroic filter, second dichroic filter, a optical element, and then a second optical element.  THE COURT: Right, but they describe a first and second branch. You are saying that's  MR. CHEN: That's only in the claims language, Your Honor.  THE COURT: Only in the claim language.
7 8 9 10 11 12 13 14	of the WDM. It is part of the optical path, correct.  And if we could go to Figure 31, Mr. Knight. That would be Slide 5.  Slide 5. This is the objective with the concave mirror and the aberration corrector plate.  That's the WDM up to the right side, upper right side there.  And what I was stating earlier, if we can go back to Slide 100, the aberration corrector plate has that surface, and the light is going to hit that surface	6 7 8 9 10 11 12 13 14	components in the WDM manipulate light.  And that requires a specific sequencing of the components, and so that's why the patents describe a first dichroic filter, second dichroic filter, a optical element, and then a second optical element.  THE COURT: Right, but they describe a first and second branch. You are saying that's  MR. CHEN: That's only in the claims language, Your Honor.  THE COURT: Only in the claim language.  MR. CHEN: That's in the claim language, and
7 8 9 10 11 12 13 14 15	of the WDM. It is part of the optical path, correct.  And if we could go to Figure 31, Mr. Knight. That would be Slide 5.  Slide 5. This is the objective with the concave mirror and the aberration corrector plate.  That's the WDM up to the right side, upper right side there.  And what I was stating earlier, if we can go back to Slide 100, the aberration corrector plate has that surface, and the light is going to hit that surface at the same time that has the first zone and the second	6 7 8 9 10 11 12 13 14 15	components in the WDM manipulate light.  And that requires a specific sequencing of the components, and so that's why the patents describe a first dichroic filter, second dichroic filter, a optical element, and then a second optical element.  THE COURT: Right, but they describe a first and second branch. You are saying that's  MR. CHEN: That's only in the claims language, Your Honor.  THE COURT: Only in the claim language.  MR. CHEN: That's in the claim language, and they you're right that there's that one passage in
7 8 9 10 11 12 13 14 15 16	of the WDM. It is part of the optical path, correct.  And if we could go to Figure 31, Mr. Knight. That would be Slide 5.  Slide 5. This is the objective with the concave mirror and the aberration corrector plate.  That's the WDM up to the right side, upper right side there.  And what I was stating earlier, if we can go back to Slide 100, the aberration corrector plate has that surface, and the light is going to hit that surface at the same time that has the first zone and the second zone. So it's at the same time in the optical path.	6 7 8 9 10 11 12 13 14 15 16	components in the WDM manipulate light.  And that requires a specific sequencing of the components, and so that's why the patents describe a first dichroic filter, second dichroic filter, a optical element, and then a second optical element.  THE COURT: Right, but they describe a first and second branch. You are saying that's  MR. CHEN: That's only in the claims language, Your Honor.  THE COURT: Only in the claim language.  MR. CHEN: That's in the claim language, and they you're right that there's that one passage in Slide 25, where they are describing the first branch and
7 8 9 10 11 12 13 14 15 16 17	of the WDM. It is part of the optical path, correct.  And if we could go to Figure 31, Mr. Knight. That would be Slide 5.  Slide 5. This is the objective with the concave mirror and the aberration corrector plate.  That's the WDM up to the right side, upper right side there.  And what I was stating earlier, if we can go back to Slide 100, the aberration corrector plate has that surface, and the light is going to hit that surface at the same time that has the first zone and the second zone. So it's at the same time in the optical path.  But in any event, that's before the WDM.	6 7 8 9 10 11 12 13 14 15 16 17	components in the WDM manipulate light.  And that requires a specific sequencing of the components, and so that's why the patents describe a first dichroic filter, second dichroic filter, a optical element, and then a second optical element.  THE COURT: Right, but they describe a first and second branch. You are saying that's  MR. CHEN: That's only in the claims language, Your Honor.  THE COURT: Only in the claim language.  MR. CHEN: That's in the claim language, and they you're right that there's that one passage in Slide 25, where they are describing the first branch and the second branch. Right?
7 8 9 10 11 12 13 14 15 16 17 18	of the WDM. It is part of the optical path, correct.  And if we could go to Figure 31, Mr. Knight. That would be Slide 5.  Slide 5. This is the objective with the concave mirror and the aberration corrector plate.  That's the WDM up to the right side, upper right side there.  And what I was stating earlier, if we can go back to Slide 100, the aberration corrector plate has that surface, and the light is going to hit that surface at the same time that has the first zone and the second zone. So it's at the same time in the optical path.  But in any event, that's before the WDM.  THE COURT: Right. But his point, I think, is	6 7 8 9 10 11 12 13 14 15 16 17 18	components in the WDM manipulate light.  And that requires a specific sequencing of the components, and so that's why the patents describe a first dichroic filter, second dichroic filter, a optical element, and then a second optical element.  THE COURT: Right, but they describe a first and second branch. You are saying that's  MR. CHEN: That's only in the claims language, Your Honor.  THE COURT: Only in the claim language, and they you're right that there's that one passage in Slide 25, where they are describing the first branch and the second branch. Right?  THE COURT: Right.
7 8 9 10 11 12 13 14 15 16 17 18 19	of the WDM. It is part of the optical path, correct.  And if we could go to Figure 31, Mr. Knight. That would be Slide 5.  Slide 5. This is the objective with the concave mirror and the aberration corrector plate.  That's the WDM up to the right side, upper right side there.  And what I was stating earlier, if we can go back to Slide 100, the aberration corrector plate has that surface, and the light is going to hit that surface at the same time that has the first zone and the second zone. So it's at the same time in the optical path.  But in any event, that's before the WDM.  THE COURT: Right. But his point, I think, is because it's hitting at the same path, it doesn't have to	6 7 8 9 10 11 12 13 14 15 16 17 18	components in the WDM manipulate light.  And that requires a specific sequencing of the components, and so that's why the patents describe a first dichroic filter, second dichroic filter, a optical element, and then a second optical element.  THE COURT: Right, but they describe a first and second branch. You are saying that's  MR. CHEN: That's only in the claims language, Your Honor.  THE COURT: Only in the claim language.  MR. CHEN: That's in the claim language, and they you're right that there's that one passage in Slide 25, where they are describing the first branch and the second branch. Right?  THE COURT: Right.  MR. CHEN: Yeah, 57, 4 to 7.
7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	of the WDM. It is part of the optical path, correct.  And if we could go to Figure 31, Mr. Knight. That would be Slide 5.  Slide 5. This is the objective with the concave mirror and the aberration corrector plate.  That's the WDM up to the right side, upper right side there.  And what I was stating earlier, if we can go back to Slide 100, the aberration corrector plate has that surface, and the light is going to hit that surface at the same time that has the first zone and the second zone. So it's at the same time in the optical path.  But in any event, that's before the WDM.  THE COURT: Right. But his point, I think, is because it's hitting at the same path, it doesn't have to be sequential. They're both at the same time, yet	6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	components in the WDM manipulate light.  And that requires a specific sequencing of the components, and so that's why the patents describe a first dichroic filter, second dichroic filter, a optical element, and then a second optical element.  THE COURT: Right, but they describe a first and second branch. You are saying that's  MR. CHEN: That's only in the claims language, Your Honor.  THE COURT: Only in the claim language, and they you're right that there's that one passage in Slide 25, where they are describing the first branch and the second branch. Right?  THE COURT: Right.  MR. CHEN: Yeah, 57, 4 to 7.  THE COURT: Right.
7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	of the WDM. It is part of the optical path, correct.  And if we could go to Figure 31, Mr. Knight. That would be Slide 5.  Slide 5. This is the objective with the concave mirror and the aberration corrector plate.  That's the WDM up to the right side, upper right side there.  And what I was stating earlier, if we can go back to Slide 100, the aberration corrector plate has that surface, and the light is going to hit that surface at the same time that has the first zone and the second zone. So it's at the same time in the optical path.  But in any event, that's before the WDM.  THE COURT: Right. But his point, I think, is because it's hitting at the same path, it doesn't have to be sequential. They're both at the same time, yet they're described as two zones.	6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	components in the WDM manipulate light.  And that requires a specific sequencing of the components, and so that's why the patents describe a first dichroic filter, second dichroic filter, a optical element, and then a second optical element.  THE COURT: Right, but they describe a first and second branch. You are saying that's  MR. CHEN: That's only in the claims language, Your Honor.  THE COURT: Only in the claim language, and they you're right that there's that one passage in Slide 25, where they are describing the first branch and the second branch. Right?  THE COURT: Right.  MR. CHEN: Yeah, 57, 4 to 7.  THE COURT: Right.  MR. CHEN: Let me go to 57, 4 to 7. Correct.
7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	of the WDM. It is part of the optical path, correct.  And if we could go to Figure 31, Mr. Knight. That would be Slide 5.  Slide 5. This is the objective with the concave mirror and the aberration corrector plate.  That's the WDM up to the right side, upper right side there.  And what I was stating earlier, if we can go back to Slide 100, the aberration corrector plate has that surface, and the light is going to hit that surface at the same time that has the first zone and the second zone. So it's at the same time in the optical path.  But in any event, that's before the WDM.  THE COURT: Right. But his point, I think, is because it's hitting at the same path, it doesn't have to be sequential. They're both at the same time, yet they're described as two zones.  MR. CHEN: Correct, because it's irrelevant to	6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	components in the WDM manipulate light.  And that requires a specific sequencing of the components, and so that's why the patents describe a first dichroic filter, second dichroic filter, a optical element, and then a second optical element.  THE COURT: Right, but they describe a first and second branch. You are saying that's  MR. CHEN: That's only in the claims language, Your Honor.  THE COURT: Only in the claim language, and they you're right that there's that one passage in Slide 25, where they are describing the first branch and the second branch. Right?  THE COURT: Right.  MR. CHEN: Yeah, 57, 4 to 7.  THE COURT: Right.  MR. CHEN: Let me go to 57, 4 to 7. Correct.  THE COURT: So that would suggest that they
7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	of the WDM. It is part of the optical path, correct.  And if we could go to Figure 31, Mr. Knight. That would be Slide 5.  Slide 5. This is the objective with the concave mirror and the aberration corrector plate.  That's the WDM up to the right side, upper right side there.  And what I was stating earlier, if we can go back to Slide 100, the aberration corrector plate has that surface, and the light is going to hit that surface at the same time that has the first zone and the second zone. So it's at the same time in the optical path.  But in any event, that's before the WDM.  THE COURT: Right. But his point, I think, is because it's hitting at the same path, it doesn't have to be sequential. They're both at the same time, yet they're described as two zones.  MR. CHEN: Correct, because it's irrelevant to the optical path with respect to the issue of is it	6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	components in the WDM manipulate light.  And that requires a specific sequencing of the components, and so that's why the patents describe a first dichroic filter, second dichroic filter, a optical element, and then a second optical element.  THE COURT: Right, but they describe a first and second branch. You are saying that's  MR. CHEN: That's only in the claims language, Your Honor.  THE COURT: Only in the claim language.  MR. CHEN: That's in the claim language, and they you're right that there's that one passage in Slide 25, where they are describing the first branch and the second branch. Right?  THE COURT: Right.  MR. CHEN: Yeah, 57, 4 to 7.  THE COURT: Right.  MR. CHEN: Let me go to 57, 4 to 7. Correct.  THE COURT: So that would suggest that they don't have to be sequential.
7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	of the WDM. It is part of the optical path, correct.  And if we could go to Figure 31, Mr. Knight. That would be Slide 5.  Slide 5. This is the objective with the concave mirror and the aberration corrector plate.  That's the WDM up to the right side, upper right side there.  And what I was stating earlier, if we can go back to Slide 100, the aberration corrector plate has that surface, and the light is going to hit that surface at the same time that has the first zone and the second zone. So it's at the same time in the optical path.  But in any event, that's before the WDM.  THE COURT: Right. But his point, I think, is because it's hitting at the same path, it doesn't have to be sequential. They're both at the same time, yet they're described as two zones.  MR. CHEN: Correct, because it's irrelevant to	6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	components in the WDM manipulate light.  And that requires a specific sequencing of the components, and so that's why the patents describe a first dichroic filter, second dichroic filter, a optical element, and then a second optical element.  THE COURT: Right, but they describe a first and second branch. You are saying that's  MR. CHEN: That's only in the claims language, Your Honor.  THE COURT: Only in the claim language, and they you're right that there's that one passage in Slide 25, where they are describing the first branch and the second branch. Right?  THE COURT: Right.  MR. CHEN: Yeah, 57, 4 to 7.  THE COURT: Right.  MR. CHEN: Let me go to 57, 4 to 7. Correct.  THE COURT: So that would suggest that they

Case 1:24-cv-00945-CFC-EGT Document 192-1 Filed 10/24/25 Page 19 of 50 PageID #: 13450 1 because they're at the same time. They're not 1 mirror? 2 sequential. That just supports our position because the 2 MR. CHEN: A concave mirror falls under curved 3 light's basically hitting that component, that dichroic 3 mirror, correct. 4 filter 4 THE COURT: Correct So it's a subset of it 5 Could you put up Figure 25. There we go. 5 MR. CHEN: That's correct, Your Honor. So --6 Whereas light is being received first by the 6 7 dichroic filter and then second by the second dichroic THE COURT: Hold on a second. 8 filter. The branching is occurring here at exactly the 8 MR. CHEN: Understood 9 same time. 9 THE COURT: Okay. Go ahead. 10 10 MR. CHEN: If I may, Your Honor, our proposed THE COURT: Right. construction is for the terms "curved mirror," "focusing 11 MR. CHEN: So whether you call one a first 11 12 optical element filter," "optical filter," "dichroic 12 branch or a second branch, that doesn't matter because 13 they're actually -- the light is hitting that same space 13 filter," "semiconductor detector," and "image." 14 and same point in time. 14 There's no "branch" in there. That's not 15 THE COURT: Okay. But I thought you want me 15 what we're asking the Court to construe. 16 to construe... 16 THE COURT: What about optical relay? That 17 Hold on a second. 17 would be a focusing optical element? What would that be? MR. CHEN: That would be a -- potentially it 18 MR. CHEN: So maybe what will help is I think 18 19 could be the curved mirror, optical relay element, yes. 19 if we go to our proposed construction. THE COURT: Hold up. THE COURT: All right. Anything else you want 20 20 21 MR. CHEN: So in our... 21 to sav? THE COURT: Is a curved mirror and concave 22 MR. CHEN: No. Thank you, Your Honor. 22 23 mirror the same thing? 23 THE COURT: Let's take a break. Give the 24 MR. CHEN: No, they're not. 24 court reporter a break. Be back in ten minutes. 25 THE COURT: Is a concave mirror a curved 25 (Whereupon, a recess was taken.) 71 72 1 THE COURT: Please be seated. 1 meaning that that term would have to a person of 2 All right. So I think we need to change the 2 ordinary skill in the art in question at the time of the 3 term, the disputed term, and make it "disputed terms." 3 invention. 4 And I'm going to construe at least one of those terms Λ Now, this inquiry into how a person of 5 today. And then I'm going to have you break up and 5 ordinary skill in the art understands the claim term provides an objective baseline from which to begin claim 6 agree on what the other disputed terms are, and we'll 6 7 7 submit some additional briefing. interpretation. You can address those terms. So, for 8 8 Consistent with the standard construction 9 instance, I don't think it's helpful to just do "first" 9 rule announced by the Supreme Court in Markman, Federal and "second" with the litany of terms. 10 10 Circuit made clear in Phillips that, quote, "The person 11 I do note that branch, first branch, and 11 of ordinary skill in the art is deemed to read the claim term not only in the context of the particular claim in 12 second branch were not asked to be construed. That's 12 13 important. First zone and second zone were not asked to 13 which the disputed term appears, but also in the context be construed. That's important. of the entire patent, including the specification." 14 14 15 15 The problem is, the sub-terms of the first Unquote. That's at 415 F.3d Page 1313. 16 and the sub-terms of the second that I was asked to 16 Now, the plaintiff pointed me to the 3M 17 construe, I'm not sure we've addressed the meaning of 17 decision, and that's at 350 F.3d, not sure what the 18 those sub-terms sufficiently so that I can offer a 18 first page is, but it's in the 1300s, 1372. And in that 19 construction today. The one exception would be filters, 19 case, the Court held that there was nothing in the 20 for instance. All right? 20 intrinsic evidence that was at issue in that case that 21 Now, the Federal Circuit has frequently 21 required a limitation of sequential creation of the 22 22 stated that the words of a claim are generally given multiple embossed pattern. And I agree here with the plaintiff, for 23 their ordinary and customary meaning. And the Court has 23 24 also made clear in Phillips and Vitronics that the 24 instance, that the intrinsic evidence would not require, ordinary and customary meaning of a claim term is the that the "first" and "second" would impose a sequence or 25 2.5

Case 1:24-cv-00945-CFC-EGT Document 192-1 Filed 10/24/25 Page 20 of 50 PageID #: 13451 1 temporal order if it were describing branches or zones. 1 Now, what I'm going to do is I'm going to ask 2 We've discussed already this afternoon at 2 that you go back and look at the terms for which there 3 length the fact, and the defendant doesn't contest that 3 is a first and second designation in the asserted claims 4 there are branches that are discussed, for instance, in 4 and then just go through each of them. 5 Figure 25, where there is no sequence, that both 5 So, for instance, the first one I recall was 6 branches occur simultaneously. 6 a curved mirror, correct? And there appears to be, in 7 Figure 25, strong evidence that when it comes to at And the zones, Figure 9A, again, the light is hitting them both at the same time. I think that's 8 8 least one subset of a curved mirror, there ought to be a 9 undisputed they're simultaneously. 9 sequential or temporal limitation. But I don't know So if I were faced with a claim language that 10 10 enough, and I haven't heard enough argument to be able was describing zones or branches, first and second zones 11 11 to determine whether the temporal or sequential or first or second branches, I would agree that read in 12 12 limitation should be required for any kind of curved 13 light of the written description, there would be no 13 mirror. I just don't know. 14 limitation, sequential or temporal limitation. 14 So what I'd like you to do is just go back 15 The problem for the plaintiff, though, is the 15 and maybe meet and confer and come up with a list, the 16 only disclosure of first and second filters is in 16 universe of those terms that you want me to construe, 17 Figure 25, and that's it. There's nothing else. 17 all right? And then just submit something, and I can 18 And what that says to me is when, therefore, 18 construe it at a later date. I construe a first and second filter in a claim, I 19 19 Now, what you need to do is you need to look should read it in light of that disclosure and construe 20 20 at, in terms of just guessing what I'm going to do, you 21 first and second filters to require that the first 21 need to look at the written description. I do not find filter occur sequentially before or temporally before as compelling the plaintiff's reliance on the claims, 22 22 23 the second filter. 23 which are written after the fact, which are not 24 So I agree with the defendant's construction 24 consistent with their discussion of first and second, if 25 of first and second filters. 2.5 you go across patents. And I do not think are entitled 75 76 1 to much, if any, weight. 1 element," which is certainly related to the two terms. 2 That will be, I guess, an appeal issue that 2 THE COURT: Okay. Let's do it. Let's go 3 you all can argue. But it just seems to me that I'm 3 right next to "collimating" then. 4 really, really focusing on Phillips' admonition that the Λ MR. DENNHARDT: Good afternoon, Judge. 5 claims are to be read in light of the written 5 Jeffrey Dennhardt for Beckman Coulter. And, fortunately, it looks like we've got the technical issues resolved, so 6 description. 6 7 7 All right. So that's where  ${\tt I}$  am on the first we are able to use the screen. The next term is "collimating," "collminate," term. I'm going to leave it at that and then let you 8 8 9 all go back and submit to me further briefing, and we'll 9 and "collimated beam " 10 work out the other particulars. All right? 10 And we put the constructions here, but maybe Okay. Let's go to the next term. 11 11 I think the place to start is this is a common term used 12 By the way, I am a little worried about time. 12 in optics. This is not a term that's coined for

24

25

construction.

Should we go to the last term? What do you all think? 13 What's most helpful to you? What do you want to leave 14 15 here, if you could only have a limited number of constructions? 16 17 MR. CHEN: I think "collimating" and "optical 18 element" would be the next most important terms, Your 19 Honor. 20 THE COURT: Okay. Mr. Khan, what do you 21 22 MR. KHAN: I think, Your Honor, if we could

23

24

25

do, yeah, those two.

THE COURT: Okav.

MR. KHAN: And then "collimating optical

purposes of the patents. You've seen many references 13 describe this term. Both parties have components in 14 15 their products that are identified as "collimating 16 lenses." 17 So this is a well-known term that should be 18 afforded its plain and ordinary meaning. 19 And the dispute, as we see on Slide 32, is 20 whether collimation permits some convergence or 21 divergence as we propose or, instead, requires perfect 22 parallelization, as Cvtek proposes. 23 And the second issue is whether the rays must

originate from a point source as reflected in Cytek's

Case 1:24-cv-00945-CFC-EGT Document 192-1 Filed 10/24/25 Page 21 of 50 PageID #: 13452 THE COURT: Do you think I can resolve this 1 Thank you. Go ahead. without resort to extrinsic evidence? 2 MR. DENNHARDT: Understood, Judge. And, I'm MR. DENNHARDT: I think you can, Your Honor, 3 sorry. I was just trying to go right to the written and I'm happy to go -- I know you're not as interested in 4 description here, because I think this can help resolve the claims. I'm happy to go right to the specification. 5 the dispute. THE COURT: When you say I'm not interested in 6 I do have a claim on here, but it's the claims, I'm very interested in the claims. Okay? 7 consistent with the written description that we see. MR. DENNHARDT: Okay 8 And when the patents describe "collimation," they THE COURT: Nothing I have said --9 indicate that the collimated beam has substantially the MR. DENNHARDT: I didn't mean to overstate. 10 same diameter. We see that both in the '582 patent, THE COURT: You would be mischaracterizing 11 Claim 16, and in the specification at Column 45. 12 Column 45, again, just to indicate what we're what I said if you were to say, for instance, to the Federal Circuit that, "Oh, he ignored the claims." 13 looking at or what we're talking about, if we look at That's not true. I'm starting with the 14 Figure 25 on the right, the two portions that it's claims. What I am saying is claim differentiations, I 15 discussing that have substantially the same diameter, don't find to be a very compelling argument because of 16 the two collimated beams are the two that we've the ability of attorneys, as opposed to scientists and 17 highlighted in yellow there. inventors, to manipulate claims, to add claims 18 And why does this resolve the dispute? Well, 19 subsequent to the invention, years after, and then to if perfect parallelization was required as Cytek come to a court and ask me to interpret the scope of the proposes, it wouldn't say the word "substantially," it 20 invention and the meaning of claims based on those 21 would say "it has the same diameter." additional claims that were really, as I say, drafted by 22 "Substantially" is intended to acknowledge lawyers. 23 that in the real world, in the way light actually So just refer back to that if it comes up in 24 behaves, there can be some convergence and divergence. Their expert agrees with that. He talks about the fact the Third Circuit, or the Federal Circuit. 2.5 79 80 that light scatters and there are aberrations. And we rays. It talks about having minimum ray divergence or have this in the slides as well. 2 convergence. And, again, on the bottom, we see nearly But the way that light actually behaves does 3 parallel rays. not require perfect parallelization. And there are Λ Their own expert talks about the fact that numerous references that say that, both intrinsic to the 5 collimation can include some convergence. So here's a patent and extrinsic. And I'm happy to go through a few 6 patent for which their expert, Dr. Ilkov, who is one of 7 of those the named inventors, and it says, "The collimating 8 optical element focuses." So starting with the intrinsic evidence. This is from the file history. And Cytek puts a lot of 9 So their own expert agrees that there can be weight on the fact that the file history distinguishes 10 some convergence in a collimating optical element or in between collimation and focusing. 11 a collimating beam. We don't disagree with that. Collimation, 12 That's in the case law as well. In talking about the term "collimator," it says that it bends the for example, in the context of a collimating optical 13 element and focusing optical element, those are two incoming light rays towards the parallel. It doesn't 14 15 different things. And we seek to construe them say that it makes them perfectly parallel because, again, perfect parallelization doesn't exist in the real differently. But we acknowledge that as a practical 16 matter and in the real word, as it says here, 17 world. It's a physical impossibility. "Collimation means generally maintaining the width of a 18 And --19 THE COURT: By the way, does the patent say It doesn't say it perfectly maintains the 20 that? width of a beam. It says that it limits its convergence 21 MR. DENNHARDT: Does the patent say... 22 or divergence. We see the same in the second excerpt THE COURT: That it's a physical

23

24

25

impossibility.

need to.

MR. DENNHARDT: No. Well, because it doesn't

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22 23

24

25

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

there.

That's consistent with the extrinsic

evidence. Again, it talks about having nearly parallel

Case 1:24-cv-00945-CFC-EGT Filed 10/24/25 Page 22 of 50 PageID Document 192-1 #: 13453 1 THE COURT: All right. So then you are 1 MR. DENNHARDT: This is from our expert, that 2 relying on extrinsic evidence. 2 perfect collimation does not exist in the real world. 3 MR. DENNHARDT: No, Your Honor. The file 3 It's from other references that Edmond Optics talks about 4 history is intrinsic evidence under the Federal Circuit 4 the fact --5 case law. 5 THE COURT: So that's what I meant. In the 6 THE COURT: Does the --6 real world, it's not possible, then you are relying on 7 MR. DENNHARDT: So I will go back to that. 7 intrinsic evidence as opposed to it's not practicable or 8 THE COURT: Sure. Does the file history say 8 it's not done in practice, which is the file history. 9 it's impossible? 9 MR. DENNHARDT: Your Honor, I think that the MR. DENNHARDT: If you look -- here, let me go 10 10 patent discussing the fact that it's a beam of 11 to it. I was actually just on that slide. 11 substantially the same diameter is an acknowledgment of THE COURT: It's all right. 12 12 that real world reality, right? 13 MR. DENNHARDT: Here's -- this is from the 13 If perfect parallelization was possible and 14 file history. This is Exhibit 6. It says, "Collimation, 14 could be achieved, there would be no need to include the 15 while not necessarily maintaining parallelism, given that 15 word "substantially." 16 achieving perfectly parallel rays is not realizable in 16 THE COURT: How about the reference in the 17 practice." 17 patent to "nearly collimated." 18 So, yes, it expressly said --18 MR. DENNHARDT: Yes, Your Honor. 19 19 THE COURT: Well, in practice. Okay. THE COURT: How about that? That would MR. DENNHARDT: Yes. So in the real world, suggest, I mean, if collimated can never be achieved, why 20 20 21 right, when you actually have a product like we're 21 do you have to have "nearly collimated" as a term? talking about here, collimation is referring to limiting 22 MR. DENNHARDT: Yes. Judge, I think on 22 23 the convergence or divergence, not eliminating it 23 that -- first of all, "nearly collimated" isn't a claim 24 entirely. 24 term. Right? So it's not one of the terms that we need 25 THE COURT: Okay. 2.5 to construe, but it's a further acknowledgment that there 83 84 1 can be some flexibility in that. 1 what it seems to me to be happening is because their 2 And let me give you an analogy. If you think 2 construction requires perfect collimation, it seems to me 3 about a water bottle, right? The water bottle is full. 3 that they might then try and turn around and argue, well, Λ Right? Your water bottle is next to you. When they Λ of course we don't do that because you can't achieve that 5 come out, before you open them, it's full. But there's 5 in the real world. 6 still some space in the top, right? It's not -- the 6 And so if that's the case, well, then they've 7 7 volume is not 100 percent full. precluded any product from ever doing that, right? Because it doesn't exist. You can't -- you can't 8 Then you take a sip of the water bottle. The 8 9 water bottle is not nearly full, right? So it's 9 achieve it acknowledging that there is -- full, in and of itself 10 10 Would you be okay with saying it's got to be construed at substantially collimated? 11 has some variance, right? Nearly full means a little 11 bit less than the variance that's permitted for full. MR. DENNHARDT: Your Honor, I think if you 12 12 13 It's the same thing here, right? Collimation 13 were looking to resolve this dispute using exclusively means substantially the same diameter. Nearly the intrinsic evidence, I think we would be okay with 14 14 15 saying that "collimation" means "substantially the same 15 collimated provides a little bit more flexibility. But, again, it's not a claim term, so I don't 16 16 diameter." 17 think that's really necessary for Your Honor to construe 17 THE COURT: All right. Do you think the 18 in this case. 18 bottle is nearly full now or not? 19 THE COURT: Last question. How is this going 19 MR. DENNHARDT: Sure. I think that's nearly full. 20 to play out in the case? If I agree with you, their 20

21

22

23

24

2.5

collimated"?

THE COURT: Okay. All right. Thank you.

THE COURT: Before you start, I know you've

MR. DENNHARDT: Thank you, Your Honor.

got a nice chart there, can you live with "substantially

21

22

23

24

25

expert's going to say what, it's not collimated? Your

basically, dispute, what, how parallel the lines are?

Honor, it's not totally clear to me. You know, I guess

MR. DENNHARDT: I think that's right -- Your

expert is going to say it is. They are going to,

Case 1:24-cv-00945-CFC-EGT Filed 10/24/25 Page 23 of 50 PageID Document 192-1 #: 13454 1 MR. PIVOVAR: I don't think so, Your Honor. 1 THE COURT: Okay. 2 THE COURT: No? Okay. 2 MR. PIVOVAR: I really did, Your Honor, want 3 MR. PIVOVAR: I can explain why. 3 to come back to exactly what you pointed out as well, and First of all, it's indefinite, variability. 4 that is --4 5 We're going to have experts, one saying it is and it's 5 Can I go to the document viewer? going to be a fight over that. So it is really -- is that if you look at the '582 patent in 6 6 7 something that has to be resolved. And what we think is 7 Column 28, around Line 29, it refers to, you know, "A 8 that -- I hope that this is large enough. 8 nearly collimated circular Gaussian beam." 9 THE COURT: It's not. 9 Right? Nearly collimated. That's a --10 MR. PIVOVAR: Okay. May I move it closer? 10 that's different than what the claim language is that THE COURT: Yeah, but I've got news for you, 11 we're dealing with, which is collimated, collimating. 11 you're probably going to have to hand it up to me to see 12 It doesn't say "nearly collimated" in the claims. 12 13 it. 13 And then if we look at -- it's a term of 14 MR. PIVOVAR: Well, I have slides as well. 14 degree, really. What they're trying to do is inject a 15 THE COURT: Probably be good. 15 term of degree that's ambiguous and subjective into 16 MR. PIVOVAR: So as long as it's not blocking 16 their construction for this term, which will be well 17 the slides, that's fine. I just want to put this up 17 understood, which I will get to. 18 18 But I also did want to point out to Your 19 19 Just for the record, the board here is an Honor that Column 44, down near the bottom, at Line 65 through 67, they refer to "effectively collimated." 20 excerpt of the file history at Exhibit 7, Pages 9 20 21 through 10, and is a portion of the file history that we 21 Right? So there's a category here that we pointed out in our briefing that was completely ignored have that is collimated beam. Then somewhere past that 22 22 23 by plaintiff in their argument today, which I will be 23 you have something that's nearly collimated. 24 referring to. I just wanted to get that up there for 24 The claim language here says "collimating," "collimated beam." That's what we're focused on. 25 the benefit of this. 2.5 87 88 1 1

2

4

5

6

7

8

9

10

11

12

13

14 15

16

17

18

19

20

21

I do want to address, just briefly, briefly, some of the arguments that were being made by plaintiff because they're not consistent with our construction.

2

3

Λ

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Okay? When they say "perfect parallelization is not possible," they never explain to you what that means. What they're saying there is that if I have a beam of light, I cannot make every single ray within that beam parallel. It's practically impossible to do that. And we agree. And our construction does not require that. And I can explain this in a second.

But just so we're clear on that, that in their briefing they try to make a big deal about that. We're not trying to construe this to a physical impossibility. Our construction is true to what collimating means. It requires parallel rays.

I will explain briefly, if I can, because we'll get a look at optics and other things, why our construction doesn't require that. And our construction is true to what we have.

The other thing is you mentioned -- and this kind of came up in their briefing a little bit -- but in optics, going back to Newton, actually, who was the first one who came up with optics, there's a construct, this idea of, like, well, let's start with a point source of light, like a very small source of light.

 $\label{eq:linear_problem} \mbox{And I think this kind of bears a little bit} \\ \mbox{on what you asked Mr. Chen about with respect to the} \\$ 

3 collecting optical element, what happens.

So when the laser beam hits a cell or a particle, the light goes everywhere, just like our sun emits light in all directions, right? So when you do that, what you want to look at when you think about a point source, is that, okay, the source is very small. So when I see the light coming out of it, all we do is kind of projecting, kind of as a nice kind of cone shape.

And that only happens if the point source is very small. And it gets a little complicated. But if you look at the sun, right, the sun is not a small point. There are -- you can see it as a big spot. The rays that are coming to you from one side of the sun versus the ones on the other side are not going to be part of this perfect kind of cone.

So because -- but if you look at a star in the night sky and it's very, very far away, it does look just like a point, right?

22 And one of the ways that you can actually get 23 collimated light that's used in this is you look at star 24 light, and they actually use star light with lenses 25 because the beam is collimated because it's coming from Case 1:24-cv-00945-CFC-EGT Filed 10/24/25 Page 24 of 50 PageID Document 192-1 #: 13455 so far away. There's no divergence, you know, it's a 1 size of that is measured in micrometers. And I'm going very small point, to actually measure what the focal 2 to refer to that as a point light source." length is of lenses doing that. 3 Right? So all of the things that they say in So the point is, this idea that in their 4 their briefing of point light sources don't exist and briefing they are like, oh, point source doesn't exist. 5 you can't use that as construct, is belied by their own You can't rely on it to interpret anything here, I did 6 use of the term here want to bring you to this --7 Right? So what we mean by, in our Can we go to the document viewer? 8 construction, points on a source, first of all, is Mr. Chen mentioned the '412 patent that they 9 different than a point light source. It's, we're have that's not asserted here. So if we look at the 10 looking at points that collectively make up a light file history -- and this is plaintiff's statement. You 11 source. So a little bit different there. 12 can see here -- zoom in a little bit, Your Honor --But, also, as used in the context of this they're describing the prior art, and they say, "The 13 technology, what you have are sizes of light sources detecter from the prior art is used to detect light 14 that are on the order of micrometers by plaintiff's own emitted from a point light source such as a single mode 15 admission, are considered point light sources. optical fiber in a WDM to be used with a communication 16 This last statement here says, "This point system." 17 light source has much less etendue than a bigger light Then they say, "The size of an object of such 18 source." 19 point light source is usually measured in micrometers." Okav? And what that means is if I have a Then they explain, "As such, such point light very small light source, like a point light source here, 20 source has much less etendue than a bigger light 21 it is very easy to collimate that beam. That's what the

22

23

24

2.5

1

2

3

4

5

6

7

8

9

10

11

12

13

14 15

16

17

18

23

24

2.5

91

But I just want to point out, if you were in any way persuaded by their arguments in their brief that a point light source doesn't exist, they are using it in their own -- in their own file history here, Your Honor.

Can we go to the slides.

So this is plaintiff going to the Patent

Office and saying, "I can understand this prior art

reference. It uses a single-mode optical fiber. The

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

source."

THE COURT: This is the file history for what?

MR. PIVOVAR: This is the file history for the
'412 patent. And, Your Honor, this was not, admittedly, submitted as an exhibit as part of all of the exhibits that we have.

I just wanted to explain to you there are constructs that we have here that are, you know, based on theory. And then we apply them, which is totally fine. Just to get into why our construction actually works and our construction has to do -- you have to understand, like ray tracing, all this stuff, not really easy from the briefing. But I did want to start with those overall points.

So when you look at the parties' proposed constructions here, I think there's -- you know, there's a difference, but there's also some similarities.

So we both agree that you have to look at the rays of light in the beam. And then we both agree that it has something to do with those rays of light being parallel. Right?

And then the dispute we have is we have a different way of how you can analyze what a collimated beam is, which is consistent with even the exhibits they've submitted. And what they're saying is, "Render rays of light more nearly parallel."

As the light source gets bigger and bigger

and bigger, on the order of milliliters, not microns, it becomes more difficult. It becomes more difficult.

patent says. You can do that.

Now, for collimating as a verb, so it says in their proposed construction, Your Honor, this is why I think it's highly problematic is that it says, "More nearly parallel."

So, one, it has the ambiguity of what it means to be nearly parallel. And it's just saying more.

"More" relative to what? Right? I can have a beam that's very, very divergent, like this, and if I -- if I make it a little less divergent, it's still a divergent beam, but I have made it more nearly parallel because I've reduced the divergence.

That's not a collimated beam. That's not collimating. That's not what's meant in the art.

19 So that is just something I want to point
20 out, with that kind of injection of term of degree,
21 ambiguity, and something that really isn't supported by
22 any of the intrinsic record here.

And then when it comes to "collimated beam," they say it's a beam with nearly parallel rays. I'm going to explain to you how they've read that to read on

Case 1:24-cv-00945-CFC-EGT Filed 10/24/25 Page 25 of 50 PageID Document 192-1 #: 13456 1 to beams that are focusing and diverging in ways that 1 dispute that... 2 are much more broader than what I think plaintiff has 2 What's the POSA? What would I call a POSA in 3 indicated how they're going to read it in their briefing 3 this case? or how they've kind of represented it here today. 4 MR. PIVOVAR: We have some of that. But --4 5 What we have is a more specific, from 5 THE COURT: Something short, like give me. like, a three --6 dictionary definitions, consistent with the file history 6 as to what a collimated beam actually is. So I will get 7 MR. PIVOVAR: Yeah. I --8 into why that is, but our construction is "a beam 8 THE COURT: If I were going to a university, 9 wherein all rays of light originating from a point on 9 what department? 10 the source." 10 MR. PIVOVAR: Exactly. Like a bachelor's 11 Right? So I can think about a light source 11 degree, a few years of experience in optics and optical 12 12 as a collection of points of light, and all of those systems, that kind of stuff. 13 need to be projected parallel with each other. And 13 THE COURT: So an optician? Some sort of 14 those rays within the beam are neither converging or 14 optics guy? What do I call him? 15 diverging. 15 MR. PIVOVAR: Yeah, not -- well, you --16 THE COURT: My problem, though, is where is 16 somebody who's trained in optical systems is part of it. 17 all this in the patent? I didn't come away from reading 17 Is part of it, yeah. THE COURT: Okay. And optical systems person. the brief, your briefing, thinking, oh, it's all there in 18 18 19 19 the patent. Okav. So if I've got to two optical system persons, 20 MR. PIVOVAR: Yeah. There's no definitional 20 21 statement, right? And I think this is in some ways why 21 they run into each other at a coffee shop, do you think we are arguing that the term "collimating," "collimated," 22 that they would be able to have a discussion and refer 22 23 and "collimated beam" is indefinite. 23 to collimating, and they'd each know what the other is 24 THE COURT: I know you are, but why didn't you 24 talking about? 25 just put up there, I mean, it sounds like there's no 25 MR. PIVOVAR: No. 95 96 1 THE COURT: Really? 1 THE COURT: Right, but then the fact that you 2 MR. PIVOVAR: No. And here's why. The term 2 said, you started with collimation tells me they could 3 is used in all different ways. You can look at their 3 have a discussion. Now, they may debate what degree of 4 dictionary definitions. It's used differently --4 collimation is required to meet a claim in the patent. THE COURT: The fact that it's in a 5 5 Isn't that really what POSA --6 dictionary, doesn't that tell you they could have a 6 MR. PIVOVAR: That's -- that's right. 7 7 discussion? THE COURT: So then, why don't I just not 8 MR. PIVOVAR: Well, let -- can I just, like, 8 construe this term and let your experts go to town, and 9 address that in a slightly different way? 9 you can, your expert could say, well, look, I've got to 10 So let me -- if we can go to the document 10 tell you, I don't know what the degree of collimation is 11 viewer, please. 11 that's required here. If I had to guess, if you forced THE COURT: Let me ask you this: Do you think 12 me, maybe I'd say this, but in my mind, it's indefinite. 12 13 they could have a discussion what the meaning of optics 13 MR. PIVOVAR: Your Honor, I would say that it is? is necessary for you to review the intrinsic record and 14 14 15 15 MR. PIVOVAR: No, they could. And they could give some guideposts to the jury on this or else you are just going to have battling experts. 16 get to a common understanding. But they couldn't just 16 17 be, like, hey, my beam is collimated. Like, they would 17 THE COURT: Okay. So if you want me, then... 18 have a general understanding of what that means. 18 I'll tell you what. If you want to construe 19 The issue is this: Every instrument or 19 it based on the intrinsic evidence, then why don't you, 20 system requires a certain amount of collimation or a 20 going forward, only refer to intrinsic evidence. 21 certain amount of precision with it in a certain amount 21 MR. PIVOVAR: Okay. Go back to the slides. 22 22 of things. And so some of this, I don't want to, like, 23 THE COURT: Right. You're saying it's 23 belabor this because maybe you get it, maybe you don't, 24 24 but, like, you know, there are basically three different dearees.

25

25

MR. PIVOVAR: It's degrees, exactly, right.

ways that lenses can interact with -- so you have a

	Case 1:24-cv-00945-CFC-EGT Document	192-1 13457	Filed 10/24/25 Page 26 of 50 PageID
1	diverging beam of light. And then it can go into some	1	And all we're doing here, Your Honor, is
2	kind of, you know, lens or something like that.	2	trying to explain, you know, what the difference is
3	It can be converging. These are looking at	3	between light rays that converge, and obviously you can
4	the rays. They would be converging. That would be a	4	see that, these light rays all converge to a point.
5	focus beam.	5	That's a focus beam.
6	When you have light that's collimated, again,	6	THE COURT: Right.
7	parallel	7	MR. PIVOVAR: If they are parallel after they
8	THE COURT: Hold up. Hold up.	8	go through it, that's collimated.
9	MR. PIVOVAR: I'm sorry. I just want to make	9	THE COURT: Right.
10	sure we're all kind of calibrated around what we're doing	10	MR. PIVOVAR: And then if they're still
11	before I jump in because I am going to get right into the	11	diverging after they go through it, that's a like the
12	intrinsic record for Your Honor.	12	rays are diverging, that's called a defocus beam.
13	THE COURT: Yeah, I know, but you started with	13	THE COURT: Okay. So there's three broad
14	extrinsic.	14	categories that people talk about.
15	So just to be clear, the slide you are	15	MR. PIVOVAR: Exactly. And light that's
16	showing me is from a declaration, right?	16	collimated sits in this very specific
17	MR. PIVOVAR: So the slide, if we go to	17	THE COURT: Yep.
18	this so the intrinsic record refers to this book	18	MR. PIVOVAR: parallel ray point.
19	Practical Flow Cytometry.	19	So we have some other things that kind of get
20	THE COURT: Yeah.	20	into this and explain what all that is, but let's go to
21	MR. PIVOVAR: Right? So it's in this book.	21	the intrinsic record.
22	It's referring to, like, the flow cytometer. And then	22	So in the intrinsic record, there was and
23	with this, what we have here is a description of how that	23	the poster board there is Exhibit 7, but as part of that
24	book that's cited in the intrinsic so it's part of the	24	for the intrinsic record in Exhibit 7, there was a
25	intrinsic record kind of indirectly because it's cited.	25	definition from an optics glossary that was submitted by
25	inclinate record kind of indirectly because it a cited.	23	definition from an optics glossary that was summitted by
	99		100
1	the patent owner. Right?	1	file history. This is on the poster board. Okay? This
2	So this is their submission to the Patent	2	was in our briefing. It's there.
3	Office saying this is how we want you to understand what	3	And what plaintiff was doing here in this
4	collimated beam is. It says a beam in which all the	4	context of the file history is saying, okay, I'm faced
5	rays are parallel to each other. Right?	5	with having to differentiate what collimating means from
6	So if you were to construe this just from the	6	focusing. Okay? And they are dealing with this in the
7	intrinsic record, you could say that. That's not their	7	context of a patent that's being asserted against their
8	construction, that would be consistent with ours.	8	claims.
9	THE COURT: So, wait. Hold up. Let's get	9	And to do that, they say and you can see
10	this straight. I thought their	10	this in the highlights on our Slide 29, right? This is
11	I don't really like their alternative	11	just all the differentiations. "The objective lens
12	construction. I don't like it at all nearly, you know,	12	collimates rather than focuses the light." Okay?
13	but in fairness to them, they're saying it doesn't have	13	So there's a difference between collimating
14	to be construed, right?	14	and focusing.
15	Isn't that what you're saying?	15	THE COURT: Yep.
16	MR. DENNHARDT: Yes, Your Honor.	16	MR. PIVOVAR: Then they say, because the lens
17	THE COURT: Which seems like to me the right	17	collimates the light, a person of ordinary skill in the
18	answer here. I'm going to guess	18	art would have understood that the objective lens brings
19	Well, maybe I	19	all of the rays parallel to each other, albeit with some
20	MR. PIVOVAR: Your Honor, if I could.	20	beam divergence in view of practical limitation.
21	Can you jump down to the slide. So hold	21	So we're talking about practical limitations,
22	on. Hold on.	22	right? You can't make a perfectly parallel beam. And
23	Can I have two minutes to explain?	23	the practical limitation here also has to do with how
24	THE COURT: Yeah.	24	big is your light source, right?
25	MR. PIVOVAR: Okay. Watch. So here's the	25	If I have a small point source, it's going to

	Case 1:24-cv-00945-CFC-EGT		192-1 13458	Filed 10/24/25	Page 27 of 50 PageID
1	have less beam divergence. If I have a bigger li	ight	1	MR. DENNHA	RDT: Your Honor, I think that would
2	source, it's going to have more beam divergence.	And	2	be picking and choosing	ng portions of the intrinsic record.
3	that's one of the practical limitations that they	/'re	3	THE COURT:	Yeah, but that's not my question.
4	talking about here.		4	My question is: Can	you live with it?
5	But then let's look at what it goes in	nto the	5	MR. DENNHA	RDT: I don't think it would be
6	next sentence, which I think is the key one for y	you to	6	accurate to construe	the term in that, way and I'm happy
7	look at. Collimating fluorescent light. This is	s not	7	to explain why.	
8	focusing the fluorescent light, which instead inv	volves	8	THE COURT:	Okay. All right. Have a seat.
9	converging the light. Right?		9	MR. PIVOVA	R: All right. So I just want to
10	So they're saying, hey, when it comes	to us	10	get to the point that	you were making is that and also
11	differentiating our understanding of these terms	to the	11	we're going to be hav	ing discussions about this and what
12	Patent Office to differentiate form the prior art		12		o show you how this matters.
13	clearly understand that collimating fluorescent 1		13	_	ting fluorescent light is not
14	not focusing the light because it instead involve	-	14		light when they need it to be that
15	converging the light.		15	-	mportantly, Your Honor, on the end
16	So this is the intrinsic record. They	7	16	_	that's effectively collimated. We
17	understand that. So	•	17		-
17	understand that. So  THE COURT: Okay. All right. So why of	don!+ wo	18		specification of the '582 patent, cal element 902 is not converging."
				-	
19	construe it that it's collimating is bringing all		19	THE COURT:	•
20	rays parallel to each other, albeit with some div	ergence	20		R: Right? So collimating light is
21	in view of practical limitations.		21		ging. And even effectively
22	Can you live with that?		22	collimated light is n	-
	MR. PIVOVAR: I think that's close, Yo	our	23	THE COURT:	-
23					
24	Honor.		24	MR. PIVOVA	R: So Dustin, let's go to the
	Honor.  THE COURT: Okay. Can you live with t	103	24 25		the end. I will all right.
24		103		slides that are near	the end. I will all right.
24 25	THE COURT: Okay. Can you live with t	103 for	25	slides that are near	the end. I will all right.
24 25	THE COURT: Okay. Can you live with t	103 for the	25	MR. PIVOVA was doing here is	the end. I will all right.  104  R: I'm not, Your Honor. So all I
24 25 1 2	THE COURT: Okay. Can you live with to So I'm going to put this into context you. This was something I was going to do after	103 for the	25 1 2	MR. PIVOVA was doing here is converging rays in ye	the end. I will all right.  104  R: I'm not, Your Honor. So all I just so you know, like, these are
24 25 1 2 3	So I'm going to put this into context you. This was something I was going to do after terms, but what you have here on our Slide 49 is	103 for the a	1 2 3	MR. PIVOVA was doing here is converging rays in ye	104  R: I'm not, Your Honor. So all I just so you know, like, these are llow. In green they're diverging. beam here whatsoever.
24 25 1 2 3 4	So I'm going to put this into context you. This was something I was going to do after terms, but what you have here on our Slide 49 is depiction of one of Cytek's patents. Okay? It's	103 for the a	1 2 3 4	MR. PIVOVA was doing here is converging rays in ye There's no collimated THE COURT:	104  R: I'm not, Your Honor. So all I just so you know, like, these are llow. In green they're diverging. beam here whatsoever.
24 25 1 2 3 4 5	So I'm going to put this into context you. This was something I was going to do after terms, but what you have here on our Slide 49 is depiction of one of Cytek's patents. Okay? It's Figure 2A from the '076 patent. This is Exhibit	103 for the a	1 2 3 4 5	MR. PIVOVA  was doing here is converging rays in ye There's no collimated THE COURT: MR. PIVOVA	The end. I will all right.  104  R: I'm not, Your Honor. So all I just so you know, like, these are llow. In green they're diverging. beam here whatsoever.  Okay.
24 25 1 2 3 4 5 6	So I'm going to put this into context you. This was something I was going to do after terms, but what you have here on our Slide 49 is depiction of one of Cytek's patents. Okay? It's Figure 2A from the '076 patent. This is Exhibit attached to the Joint Claim Construction Brief.	103 for the a	1 2 3 4 5	MR. PIVOVA was doing here is converging rays in ye There's no collimated THE COURT: MR. PIVOVA infringement contenti	104  R: I'm not, Your Honor. So all I just so you know, like, these are llow. In green they're diverging. beam here whatsoever.  Okay.  R: Okay. Here is plaintiff's
24 25 1 2 3 4 5 6 7	So I'm going to put this into context you. This was something I was going to do after terms, but what you have here on our Slide 49 is depiction of one of Cytek's patents. Okay? It's Figure 2A from the '076 patent. This is Exhibit attached to the Joint Claim Construction Brief.  THE COURT: Time out. Time out.	103 for the a	1 2 3 4 5 6	MR. PIVOVA was doing here is converging rays in ye There's no collimated THE COURT: MR. PIVOVA infringement contenti construction, this co	104  R: I'm not, Your Honor. So all I just so you know, like, these are llow. In green they're diverging. beam here whatsoever.  Okay.  R: Okay. Here is plaintiff's ons. Under their proposed
24 25 1 2 3 4 5 6 7 8	So I'm going to put this into context you. This was something I was going to do after terms, but what you have here on our Slide 49 is depiction of one of Cytek's patents. Okay? It's Figure 2A from the '076 patent. This is Exhibit attached to the Joint Claim Construction Brief.  THE COURT: Time out. Time out.  MR. PIVOVAR: Yep.	103 for the a s 34	1 2 3 4 5 6 7 8	MR. PIVOVA was doing here is converging rays in ye There's no collimated THE COURT: MR. PIVOVA infringement contenti construction, this co	104  R: I'm not, Your Honor. So all I just so you know, like, these are llow. In green they're diverging. beam here whatsoever.  Okay.  R: Okay. Here is plaintiff's ons. Under their proposed nverging focused beam is a
24 25 1 2 3 4 5 6 7 8	So I'm going to put this into context you. This was something I was going to do after terms, but what you have here on our Slide 49 is depiction of one of Cytek's patents. Okay? It's Figure 2A from the '076 patent. This is Exhibit attached to the Joint Claim Construction Brief.  THE COURT: Time out. Time out.  MR. PIVOVAR: Yep.  THE COURT: This is what patent?	103 for the a 3 34	1 2 3 4 5 6 7 8	MR. PIVOVA was doing here is converging rays in ye There's no collimated THE COURT: MR. PIVOVA infringement contenti construction, this co collimated beam. Thi construe it. Right?	104  R: I'm not, Your Honor. So all I just so you know, like, these are llow. In green they're diverging. beam here whatsoever.  Okay.  R: Okay. Here is plaintiff's ons. Under their proposed nverging focused beam is a
24 25 1 2 3 4 5 6 7 8 9	So I'm going to put this into context you. This was something I was going to do after terms, but what you have here on our Slide 49 is depiction of one of Cytek's patents. Okay? It's Figure 2A from the '076 patent. This is Exhibit attached to the Joint Claim Construction Brief.  THE COURT: Time out. Time out.  MR. PIVOVAR: Yep.  THE COURT: This is what patent?  MR. PIVOVAR: If you have the joint	103 for the a 3 34	1 2 3 4 5 6 7 8 9	MR. PIVOVA was doing here is converging rays in ye There's no collimated THE COURT: MR. PIVOVA infringement contenti construction, this co collimated beam. Thi construe it. Right? They're co	104 R: I'm not, Your Honor. So all I just so you know, like, these are llow. In green they're diverging. beam here whatsoever. Okay. R: Okay. Here is plaintiff's ons. Under their proposed inverging focused beam is a s is exactly why you have to
24 25 1 2 3 4 5 6 7 8 9 10	So I'm going to put this into context you. This was something I was going to do after terms, but what you have here on our Slide 49 is depiction of one of Cytek's patents. Okay? It's Figure 2A from the '076 patent. This is Exhibit attached to the Joint Claim Construction Brief.  THE COURT: Time out. Time out.  MR. PIVOVAR: Yep.  THE COURT: This is what patent?  MR. PIVOVAR: If you have the joint — this in the Joint Claim Construction Brief as wel	103 for the a 3 34 - we do 1. But	1 2 3 4 5 6 7 8 9 10	MR. PIVOVA was doing here is converging rays in ye There's no collimated THE COURT: MR. PIVOVA infringement contenti construction, this co collimated beam. Thi construe it. Right? They're co well, hey, if we say if	104 R: I'm not, Your Honor. So all I just so you know, like, these are llow. In green they're diverging. beam here whatsoever. Okay. R: Okay. Here is plaintiff's ons. Under their proposed niverging focused beam is a s is exactly why you have to ming in and they're going to say,
24 25 1 2 3 4 5 6 7 8 9 10 11 12	So I'm going to put this into context you. This was something I was going to do after terms, but what you have here on our Slide 49 is depiction of one of Cytek's patents. Okay? It's Figure 2A from the '076 patent. This is Exhibit attached to the Joint Claim Construction Brief.  THE COURT: Time out. Time out.  MR. PIVOVAR: Yep.  THE COURT: This is what patent?  MR. PIVOVAR: If you have the joint—this in the Joint Claim Construction Brief as well this is Exhibit 34.	103 for the a 3 34 - we do 1. But	1 2 3 4 5 6 7 8 9 10 11	MR. PIVOVA was doing here is converging rays in ye There's no collimated THE COURT: MR. PIVOVA infringement contenti construction, this co collimated beam. Thi construe it. Right? They're co well, hey, if we say to want. Even though the	104 R: I'm not, Your Honor. So all I just so you know, like, these are llow. In green they're diverging. beam here whatsoever. Okay. R: Okay. Here is plaintiff's ons. Under their proposed inverging focused beam is a s is exactly why you have to ming in and they're going to say, nearly more, we can say whatever we
24 25 1 2 3 4 5 6 7 8 9 10 11 12 13	So I'm going to put this into context you. This was something I was going to do after terms, but what you have here on our Slide 49 is depiction of one of Cytek's patents. Okay? It's Figure 2A from the '076 patent. This is Exhibit attached to the Joint Claim Construction Brief.  THE COURT: Time out. Time out.  MR. PIVOVAR: Yep.  THE COURT: This is what patent?  MR. PIVOVAR: If you have the joint—this in the Joint Claim Construction Brief as wel this is Exhibit 34.  THE COURT: Exhibit 34. Okay. But go	103 for the a 3 34 - we do 1. But	1 2 3 4 5 6 7 8 9 10 11 12 13	MR. PIVOVA was doing here is converging rays in ye There's no collimated THE COURT: MR. PIVOVA infringement contenti construction, this co collimated beam. Thi construe it. Right? They're co well, hey, if we say to want. Even though the	104 R: I'm not, Your Honor. So all I just so you know, like, these are llow. In green they're diverging. beam here whatsoever. Okay. R: Okay. Here is plaintiff's ons. Under their proposed niverging focused beam is a s is exactly why you have to ming in and they're going to say, nearly more, we can say whatever we efile history expressly says ging rays is not a collimated beam.
24 25 1 2 3 4 5 6 7 8 9 10 11 12 13 14	So I'm going to put this into context you. This was something I was going to do after terms, but what you have here on our Slide 49 is depiction of one of Cytek's patents. Okay? It's Figure 2A from the '076 patent. This is Exhibit attached to the Joint Claim Construction Brief.  THE COURT: Time out. Time out.  MR. PIVOVAR: Yep.  THE COURT: This is what patent?  MR. PIVOVAR: If you have the joint this in the Joint Claim Construction Brief as wel this is Exhibit 34.  THE COURT: Exhibit 34. Okay. But go what patent is it?	103 for the a 3 34 - we do 1. But back to se this	1 2 3 4 5 6 7 8 9 10 11 12 13	MR. PIVOVA was doing here is converging rays in ye There's no collimated THE COURT: MR. PIVOVA infringement contenti construction, this co collimated beam. Thi construe it. Right? They're co well, hey, if we say if want. Even though the focused light, converte They want to get away	104 R: I'm not, Your Honor. So all I just so you know, like, these are llow. In green they're diverging. beam here whatsoever. Okay. R: Okay. Here is plaintiff's ons. Under their proposed niverging focused beam is a s is exactly why you have to ming in and they're going to say, nearly more, we can say whatever we efile history expressly says ging rays is not a collimated beam.
24 25 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15	So I'm going to put this into context you. This was something I was going to do after terms, but what you have here on our Slide 49 is depiction of one of Cytek's patents. Okay? It's Figure 2A from the '076 patent. This is Exhibit attached to the Joint Claim Construction Brief.  THE COURT: Time out. Time out.  MR. PIVOVAR: Yep.  THE COURT: This is what patent?  MR. PIVOVAR: If you have the joint — this in the Joint Claim Construction Brief as wel this is Exhibit 34.  THE COURT: Exhibit 34. Okay. But go what patent is it?  MR. PIVOVAR: So I was just going to us	103 for the a s 34 - we do 1. But back to se this s on in	1 2 3 4 5 6 7 8 9 10 11 12 13 14	MR. PIVOVA was doing here is converging rays in ye There's no collimated THE COURT: MR. PIVOVA infringement contenti construction, this co collimated beam. Thi construe it. Right? They're co well, hey, if we say if want. Even though th focused light, converce They want to get away And that's	104 R: I'm not, Your Honor. So all I just so you know, like, these are llow. In green they're diverging. beam here whatsoever. Okay. R: Okay. Here is plaintiff's ons. Under their proposed nverging focused beam is a s is exactly why you have to ming in and they're going to say, nearly more, we can say whatever we e file history expressly says ging rays is not a collimated beam. from that. Right?
24 25 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	So I'm going to put this into context you. This was something I was going to do after terms, but what you have here on our Slide 49 is depiction of one of Cytek's patents. Okay? It's Figure 2A from the '076 patent. This is Exhibit attached to the Joint Claim Construction Brief.  THE COURT: Time out. Time out.  MR. PIVOVAR: Yep.  THE COURT: This is what patent?  MR. PIVOVAR: If you have the joint—this in the Joint Claim Construction Brief as well this is Exhibit 34.  THE COURT: Exhibit 34. Okay. But go what patent is it?  MR. PIVOVAR: So I was just going to us because these are the images that plaintiff relies.	103 for the a s 34 - we do 1. But back to se this s on in	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15	MR. PIVOVA was doing here is converging rays in ye There's no collimated THE COURT: MR. PIVOVA infringement contenti construction, this co collimated beam. Thi construct it. Right? They're co well, hey, if we say y want. Even though th focused light, converge They want to get away And that's when you look at this,	104  R: I'm not, Your Honor. So all I just so you know, like, these are llow. In green they're diverging. beam here whatsoever.  Okay.  R: Okay. Here is plaintiff's ons. Under their proposed niverging focused beam is a s is exactly why you have to ming in and they're going to say, nearly more, we can say whatever we e file history expressly says ging rays is not a collimated beam. from that. Right?  why, you know, the question is,
24 25 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	So I'm going to put this into context you. This was something I was going to do after terms, but what you have here on our Slide 49 is depiction of one of Cytek's patents. Okay? It's Figure 2A from the '076 patent. This is Exhibit attached to the Joint Claim Construction Brief.  THE COURT: Time out. Time out.  MR. PIVOVAR: Yep.  THE COURT: This is what patent?  MR. PIVOVAR: If you have the joint	103 for the a 3 34 - we do 1. But back to se this s on in how	1 2 3 4 5 6 6 7 8 9 10 11 12 13 14 15 16 17	MR. PIVOVA was doing here is converging rays in ye There's no collimated THE COURT: MR. PIVOVA infringement contenti construction, this co collimated beam. Thi construe it. Right? They're co well, hey, if we say i want. Even though th focused light, converce They want to get away And that's when you look at this when you look at thei	The end. I will all right.  104  R: I'm not, Your Honor. So all I just so you know, like, these are llow. In green they're diverging. beam here whatsoever.  Okay.  R: Okay. Here is plaintiff's ons. Under their proposed nverging focused beam is a s is exactly why you have to ming in and they're going to say, nearly more, we can say whatever we e file history expressly says ging rays is not a collimated beam. from that. Right?  why, you know, the question is, and you can look at it again, but
24 25 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	So I'm going to put this into context you. This was something I was going to do after terms, but what you have here on our Slide 49 is depiction of one of Cytek's patents. Okay? It's Figure 2A from the '076 patent. This is Exhibit attached to the Joint Claim Construction Brief.  THE COURT: Time out. Time out.  MR. PIVOVAR: Yep.  THE COURT: This is what patent?  MR. PIVOVAR: If you have the joint— this in the Joint Claim Construction Brief as wel this is Exhibit 34.  THE COURT: Exhibit 34. Okay. But go what patent is it?  MR. PIVOVAR: So I was just going to u because these are the images that plaintiff relie their infringement contentions to explain to you they're reading their terms.	103 for the a 3 34 - we do 1. But back to se this s on in how	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	MR. PIVOVA was doing here is converging rays in ye There's no collimated THE COURT: MR. PIVOVA infringement contenti construction, this co collimated beam. Thi construction, this co well, hey, if we say i want. Even though th focused light, converce They want to get away And that's when you look at this when you look at thei pointed this out t	104 R: I'm not, Your Honor. So all I just so you know, like, these are llow. In green they're diverging. beam here whatsoever. Okay. R: Okay. Here is plaintiff's ons. Under their proposed nverging focused beam is a s is exactly why you have to ming in and they're going to say, nearly more, we can say whatever we e file history expressly says ging rays is not a collimated beam. from that. Right? why, you know, the question is, , and you can look at it again, but r briefing on this and we
24 25 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	So I'm going to put this into context you. This was something I was going to do after terms, but what you have here on our Slide 49 is depiction of one of Cytek's patents. Okay? It's Figure 2A from the '076 patent. This is Exhibit attached to the Joint Claim Construction Brief.  THE COURT: Time out. Time out.  MR. PIVOVAR: Yep.  THE COURT: This is what patent?  MR. PIVOVAR: If you have the joint— this in the Joint Claim Construction Brief as wel this is Exhibit 34.  THE COURT: Exhibit 34. Okay. But go what patent is it?  MR. PIVOVAR: So I was just going to u because these are the images that plaintiff relie their infringement contentions to explain to you they're reading their terms.  THE COURT: Okay. I don't want to her	103 for the a 3 34 - we do 1. But back to se this s on in how	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	MR. PIVOVA was doing here is converging rays in ye There's no collimated THE COURT: MR. PIVOVA infringement contenti construction, this co collimated beam. Thi construction, this co well, hey, if we say i want. Even though th focused light, converce They want to get away And that's when you look at this when you look at thei pointed this out t	In the end. I will all right.  R: I'm not, Your Honor. So all I just so you know, like, these are llow. In green they're diverging. beam here whatsoever.  Okay.  R: Okay. Here is plaintiff's ons. Under their proposed inverging focused beam is a sis exactly why you have to ming in and they're going to say, nearly more, we can say whatever we efile history expressly says ging rays is not a collimated beam. from that. Right?  why, you know, the question is, and you can look at it again, but it briefing on this and we hey're saying, oh, this is the second
24 25 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	So I'm going to put this into context you. This was something I was going to do after terms, but what you have here on our Slide 49 is depiction of one of Cytek's patents. Okay? It's Figure 2A from the '076 patent. This is Exhibit attached to the Joint Claim Construction Brief.  THE COURT: Time out. Time out.  MR. PIVOVAR: Yep.  THE COURT: This is what patent?  MR. PIVOVAR: If you have the joint— this in the Joint Claim Construction Brief as wel this is Exhibit 34.  THE COURT: Exhibit 34. Okay. But go what patent is it?  MR. PIVOVAR: So I was just going to u because these are the images that plaintiff relie their infringement contentions to explain to you they're reading their terms.  THE COURT: Okay. I don't want to her more about contingent claims. It's already almos	103 for the a s 34 - we do 1. But back to se this s on in how ar any t 3:30.	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	MR. PIVOVA was doing here is converging rays in ye There's no collimated THE COURT: MR. PIVOVA infringement contenti construction, this co collimated beam. Thi construe it. Right? They're co well, hey, if we say y want. Even though th focused light, converge They want to get away And that's when you look at this when you look at thei pointed this out t collimated beam that' collimated beam that'	In the end. I will all right.  R: I'm not, Your Honor. So all I just so you know, like, these are llow. In green they're diverging. beam here whatsoever.  Okay.  R: Okay. Here is plaintiff's ons. Under their proposed inverging focused beam is a sis exactly why you have to ming in and they're going to say, nearly more, we can say whatever we efile history expressly says ging rays is not a collimated beam. from that. Right?  why, you know, the question is, and you can look at it again, but it briefing on this and we hey're saying, oh, this is the second
24 25 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	So I'm going to put this into context you. This was something I was going to do after terms, but what you have here on our Slide 49 is depiction of one of Cytek's patents. Okay? It's Figure 2A from the '076 patent. This is Exhibit attached to the Joint Claim Construction Brief.  THE COURT: Time out. Time out.  MR. PIVOVAR: Yep.  THE COURT: This is what patent?  MR. PIVOVAR: If you have the joint—this in the Joint Claim Construction Brief as well this is Exhibit 34.  THE COURT: Exhibit 34. Okay. But go what patent is it?  MR. PIVOVAR: So I was just going to u because these are the images that plaintiff relie their infringement contentions to explain to you they're reading their terms.  THE COURT: Okay. I don't want to he more about contingent claims. It's already almos I've got to get to claim construction.	103 for the a 3 34 - we do 1. But back to se this s on in how ar any t 3:30. asked	1 2 3 4 5 6 6 7 8 8 9 10 11 12 13 14 15 16 17 18 19 20 21	MR. PIVOVA was doing here is converging rays in ye There's no collimated THE COURT: MR. PIVOVA infringement contenti construction, this co collimated beam. Thi construe it. Right? They're co well, hey, if we say; want. Even though th focused light, conver They want to get away And that's when you look at this, when you look at thei pointed this out t collimated beam that' Collimated beam that' We agree.	In the end. I will all right.  R: I'm not, Your Honor. So all I just so you know, like, these are llow. In green they're diverging. beam here whatsoever.  Okay.  R: Okay. Here is plaintiff's ons. Under their proposed nverging focused beam is a s is exactly why you have to ming in and they're going to say, nearly more, we can say whatever we efile history expressly says ging rays is not a collimated beam. from that. Right?  why, you know, the question is, and you can look at it again, but r briefing on this and we hey're saying, oh, this is the s parallel and this is the second is parallel.
24 25 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	So I'm going to put this into context you. This was something I was going to do after terms, but what you have here on our Slide 49 is depiction of one of Cytek's patents. Okay? It's Figure 2A from the '076 patent. This is Exhibit attached to the Joint Claim Construction Brief.  THE COURT: Time out. Time out.  MR. PIVOVAR: Yep.  THE COURT: This is what patent?  MR. PIVOVAR: If you have the joint— this in the Joint Claim Construction Brief as wel this is Exhibit 34.  THE COURT: Exhibit 34. Okay. But go what patent is it?  MR. PIVOVAR: So I was just going to u because these are the images that plaintiff relie their infringement contentions to explain to you they're reading their terms.  THE COURT: Okay. I don't want to he more about contingent claims. It's already almos I've got to get to claim construction.  So why am I looking at — again, I've	103 for the a s 34 - we do 1. But back to se this s on in how ar any t 3:30. asked ou're	1 2 3 4 5 6 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	MR. PIVOVA was doing here is converging rays in ye There's no collimated THE COURT: MR. PIVOVA infringement contenti construction, this co collimated beam. Thi construe it. Right? They're co well, hey, if we say y want. Even though th focused light, converce They want to get away And that's when you look at this, when you look at thei pointed this out t collimated beam that' collimated beam that' We agree. the beam for it to be	104  R: I'm not, Your Honor. So all I just so you know, like, these are llow. In green they're diverging. beam here whatsoever.  Okay.  R: Okay. Here is plaintiff's ons. Under their proposed nverging focused beam is a s is exactly why you have to ming in and they're going to say, nearly more, we can say whatever we e file history expressly says ging rays is not a collimated beam. from that. Right?  why, you know, the question is, and you can look at it again, but r briefing on this and we hey're saying, oh, this is the s parallel and this is the second s parallel.  You have to have parallel rays in

	Case 1:24-cv-00945-CFC-EGT		192-1 13459	Filed 10/24/25	Page 28 of 50 PageID
1	It's because they want you to construe	it,	1	MR. PIVOVA	R: So, Your Honor, I think you
2	they want you to construe it vaguely with their		2	your proposal is only	you're reading on what's
3	indefinite terms. They want to point to things and	d say,	3	we're pointing to in	Exhibit 7 of the file history that
4	well, I can't be perfect. And then they want to t	ake	4	says "brings all of t	he rays parallel to each other,
5	that and say, well, if it's not perfect, we can go	back	5	albeit with some dive	rgence in view of practical
6	and read it onto a focused beam, which if we go ba	ck to	6	limitations," and doe	s not include "focusing" or
7	the file history and you look at the slide the	board	7	"converging the light	or "converging light rays" would
8	right here, they expressly said it's not focusing.		8	be something that wou	ld probably be pretty acceptable to
9	Collimated light doesn't focus.		9	us. I want to, like,	make sure that that's fine. But I
10	So this is really why from the intrinsi	С	10	think in principle, t	hat would work.
11	record, Your Honor, you can see that their constru	ction	11	THE COURT:	Okay. Why don't you confer with
12	is wrong, and it can't be what we have. We can't	be	12	your client? Is your	client here?
13	defining the patent claim terms around that.		13	MR. PIVOVA	R: Our client is not here,
14	Now, I think that, you know, the propos	al	14	actually.	
15	that you have so is to basically say brings	all	15	THE COURT:	Okay. So why don't you confer
16	the light rays parallel to each other.		16	with your colleagues.	And then let's hear from the
17	THE COURT: Right. You can say it can'	t be	17	plaintiff.	
18	convergent, it can't be focusing. And we could put	that	18	MR. PIVOVA	R: Yeah, substantively, Your Honor,
19	in the definition. I mean, I think that's very, v	ery	19	that is our construct	ion. You get it's different
20	clear. And if they're playing a game, that will ta	ke it.	20	words describing diffe	erent ways, but substantively that's
21	Now, you know, that would be one way to		21	what it is, so that's	fine.
22	tackle this.		22	THE COURT:	Okay.
23	So do you have a proposal?		23	MR. PIVOVA	R: And I think just, you know, if
24	You know, I don't like "nearly." I mea	n,	24	you have I know we	're running short of time. If you
25	that strikes me as		25	have any other question	ons, I can explain all of the optics
1	and all that, but if we're looking at doing this i	107 ust.	1	with	108
1 2	and all that, but if we're looking at doing this j	ust	1 2	with So could y	
2	from the intrinsic record, it's clear from there,	ust right?	2	So could y	108 ou live with substantially
	from the intrinsic record, it's clear from there, it	ust right?		So could y parallel?	
2	from the intrinsic record, it's clear from there,	ust right?	2	So could y parallel?	ou live with substantially
2 3 4	from the intrinsic record, it's clear from there, and parallel, some divergence, not converging, not focus the COURT: Okay.  Let's hear from this side.	ust right? using.	2 3 4	So could y parallel?  MR. DENNHA substantially paralle	ou live with substantially  RDT: I think we could live with
2 3 4 5	from the intrinsic record, it's clear from there, it Parallel, some divergence, not converging, not focus THE COURT: Okay.	ust right? using.	2 3 4 5	So could y parallel?  MR. DENNHA substantially parallel THE COURT:	ou live with substantially
2 3 4 5	from the intrinsic record, it's clear from there, it Parallel, some divergence, not converging, not focu THE COURT: Okay.  Let's hear from this side.  MR. PIVOVAR: All right. Thank you, You	ust right? using.	2 3 4 5	So could y parallel?  MR. DENNHA substantially parallel THE COURT:	ou live with substantially  RDT: I think we could live with  1.  Can you live with noncovergent?  RDT: I don't think we can.
2 3 4 5 6 7	from the intrinsic record, it's clear from there, it  Parallel, some divergence, not converging, not focu  THE COURT: Okay.  Let's hear from this side.  MR. PIVOVAR: All right. Thank you, You  Honor.	ust right? using. ur	2 3 4 5 6 7	So could y parallel?  MR. DENNHA substantially parallel  THE COURT:  MR. DENNHAI  THE COURT:	ou live with substantially  RDT: I think we could live with  1.  Can you live with noncovergent?  RDT: I don't think we can.
2 3 4 5 6 7 8	from the intrinsic record, it's clear from there, it  Parallel, some divergence, not converging, not focu  THE COURT: Okay.  Let's hear from this side.  MR. PIVOVAR: All right. Thank you, You  Honor.  THE COURT: Thank you.	ust right? using. ur	2 3 4 5 6 7 8	So could y paralle?  MR. DENNHA substantially paralle:  THE COURT:  MR. DENNHAI  THE COURT:  MR. DENNHAI	ou live with substantially  RDT: I think we could live with  Can you live with noncovergent?  RDT: I don't think we can.  Why not?
2 3 4 5 6 7 8	from the intrinsic record, it's clear from there, it Parallel, some divergence, not converging, not focu THE COURT: Okay.  Let's hear from this side.  MR. PIVOVAR: All right. Thank you, You Honor.  THE COURT: Thank you.  All right. So how parallel do they have	ust right? using.  ur	2 3 4 5 6 7 8	So could y parallel?  MR. DENNHA substantially paralle:  THE COURT:  MR. DENNHAI  THE COURT:  MR. DENNHAI  history if you rem	ou live with substantially  RDT: I think we could live with  1.  Can you live with noncovergent?  RDT: I don't think we can.  Why not?  RDT: Let me show you why. The file
2 3 4 5 6 7 8 9	from the intrinsic record, it's clear from there, it Parallel, some divergence, not converging, not focu  THE COURT: Okay.  Let's hear from this side.  MR. PIVOVAR: All right. Thank you, You  Honor.  THE COURT: Thank you.  All right. So how parallel do they have  be?	ust right? using.  ur e to nk,	2 3 4 5 6 7 8 9	So could y parallel?  MR. DENNHA substantially paralle:  THE COURT:  MR. DENNHAI  THE COURT:  MR. DENNHAI  history if you rem	ou live with substantially  RDT: I think we could live with  1.  Can you live with noncovergent?  RDT: I don't think we can.  Why not?  RDT: Let me show you why. The file ember, when we talked about when he
2 3 4 5 6 7 8 9 10	from the intrinsic record, it's clear from there, it  Parallel, some divergence, not converging, not focu  THE COURT: Okay.  Let's hear from this side.  MR. PIVOVAR: All right. Thank you, You  Honor.  THE COURT: Thank you.  All right. So how parallel do they have  be?  MR. DENNHARDT: Well, Your Honor, I this	ust right? using.  ur e to nk,	2 3 4 5 6 7 8 9 10	So could y parallel?  MR. DENNHA substantially parallel  THE COURT:  MR. DENNHAI  THE COURT:  MR. DENNHAI  history if you rem put up his board, he collimating	ou live with substantially  RDT: I think we could live with  1.  Can you live with noncovergent?  RDT: I don't think we can.  Why not?  RDT: Let me show you why. The file ember, when we talked about when he
2 3 4 5 6 7 8 9 10 11	from the intrinsic record, it's clear from there, it  Parallel, some divergence, not converging, not focu  THE COURT: Okay.  Let's hear from this side.  MR. PIVOVAR: All right. Thank you, You  Honor.  THE COURT: Thank you.  All right. So how parallel do they have  be?  MR. DENNHARDT: Well, Your Honor, I this  first of all, let me start with what we have in the	ust right? using.  ur e to nk, e	2 3 4 5 6 7 8 9 10 11	So could y parallel?  MR. DENNHA substantially paralle!  THE COURT:  MR. DENNHAI  THE COURT:  MR. DENNHAI  history if you rem put up his board, he collimating (Reporter	ou live with substantially  RDT: I think we could live with  Can you live with noncovergent?  RDT: I don't think we can.  Why not?  RDT: Let me show you why. The file ember, when we talked about when he said we distinguish focusing from
2 3 4 5 6 7 8 9 10 11 12 13	from the intrinsic record, it's clear from there, it  Parallel, some divergence, not converging, not focu  THE COURT: Okay.  Let's hear from this side.  MR. PIVOVAR: All right. Thank you, You  Honor.  THE COURT: Thank you.  All right. So how parallel do they have  be?  MR. DENNHARDT: Well, Your Honor, I this  first of all, let me start with what we have in the  intrinsic record. Right?	ust right? using.  ur e to nk, e	2 3 4 5 6 7 8 9 10 11 12 13	So could y parallel?  MR. DENNHA substantially paralle!  THE COURT:  MR. DENNHAI  THE COURT:  MR. DENNHAI  history if you rem put up his board, he collimating  (Reporter  MR. DENNHA	ou live with substantially  RDT: I think we could live with  1.  Can you live with noncovergent?  RDT: I don't think we can.  Why not?  RDT: Let me show you why. The file ember, when we talked about when he said we distinguish focusing from clarification.)
2 3 4 5 6 7 8 9 10 11 12 13 14	from the intrinsic record, it's clear from there, it Parallel, some divergence, not converging, not focu THE COURT: Okay.  Let's hear from this side.  MR. PIVOVAR: All right. Thank you, You Honor.  THE COURT: Thank you.  All right. So how parallel do they have be?  MR. DENNHARDT: Well, Your Honor, I this first of all, let me start with what we have in the intrinsic record. Right?  You asked counsel: Would you be okay we	ust right? using.  ur e to nk, e	2 3 4 5 6 7 8 9 10 11 12 13	So could y parallel?  MR. DENNHA  substantially paralle!  THE COURT:  MR. DENNHAI  THE COURT:  MR. DENNHAI  history if you rem put up his board, he collimating  (Reporter  MR. DENNHAI  We said fr	ou live with substantially  RDT: I think we could live with  Can you live with noncovergent?  RDT: I don't think we can.  Why not?  RDT: Let me show you why. The file ember, when we talked about when he said we distinguish focusing from clarification.)  RDT: I'm so sorry.
2 3 4 5 6 7 8 9 10 11 12 13 14	from the intrinsic record, it's clear from there, it  Parallel, some divergence, not converging, not foce  THE COURT: Okay.  Let's hear from this side.  MR. PIVOVAR: All right. Thank you, You  Honor.  THE COURT: Thank you.  All right. So how parallel do they have  be?  MR. DENNHARDT: Well, Your Honor, I this  first of all, let me start with what we have in the  intrinsic record. Right?  You asked counsel: Would you be okay we  saying collimating means substantially the same	ust right? using.  ur  e to nk, e	2 3 4 5 6 7 8 9 10 11 12 13 14	So could y parallel?  MR. DENNHA  substantially paralle!  THE COURT:  MR. DENNHA  THE COURT:  MR. DENNHA  history if you rem put up his board, he collimating  (Reporter  MR. DENNHA  We said fr  that focusing and col	ou live with substantially  RDT: I think we could live with  1.  Can you live with noncovergent?  RDT: I don't think we can.  Why not?  RDT: Let me show you why. The file ember, when we talked about when he said we distinguish focusing from  clarification.)  RDT: I'm so sorry.  om the outset that I don't disagree
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	from the intrinsic record, it's clear from there, it Parallel, some divergence, not converging, not foce  THE COURT: Okay.  Let's hear from this side.  MR. PIVOVAR: All right. Thank you, You Honor.  THE COURT: Thank you.  All right. So how parallel do they have be?  MR. DENNHARDT: Well, Your Honor, I this first of all, let me start with what we have in the intrinsic record. Right?  You asked counsel: Would you be okay we saying collimating means substantially the same diameter? He said no. Right?	ust right? using.  ur  e to nk, e	2 3 4 5 6 7 8 9 10 11 12 13 14 15	So could y parallel?  MR. DENNHA  substantially paralle!  THE COURT:  MR. DENNHAI  THE COURT:  MR. DENNHAI  history if you rem put up his board, he collimating  (Reporter  MR. DENNHA  We said fr  that focusing and coll Right? But he's pick	ou live with substantially  RDT: I think we could live with  1.  Can you live with noncovergent?  RDT: I don't think we can.  Why not?  RDT: Let me show you why. The file ember, when we talked about when he said we distinguish focusing from  clarification.)  RDT: I'm so sorry.  om the outset that I don't disagree limating are two different things.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	from the intrinsic record, it's clear from there, it Parallel, some divergence, not converging, not focu THE COURT: Okay.  Let's hear from this side.  MR. PIVOVAR: All right. Thank you, You Honor.  THE COURT: Thank you.  All right. So how parallel do they have be?  MR. DENNHARDT: Well, Your Honor, I this first of all, let me start with what we have in the intrinsic record. Right?  You asked counsel: Would you be okay we saying collimating means substantially the same diameter? He said no. Right?  This comes from the specification in the	ust cight? using.  ur e to nk, e ith	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	So could y parallel?  MR. DENNHA  substantially paralle!  THE COURT:  MR. DENNHAI  THE COURT:  MR. DENNHAI  history if you rem put up his board, he collimating  (Reporter  MR. DENNHA  We said fr  that focusing and coll Right? But he's pick	ou live with substantially  RDT: I think we could live with  1.  Can you live with noncovergent?  RDT: I don't think we can.  Why not?  RDT: Let me show you why. The file ember, when we talked about when he said we distinguish focusing from  clarification.)  RDT: I'm so sorry.  om the outset that I don't disagree limating are two different things.  ing and choosing certain portions
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	from the intrinsic record, it's clear from there, it Parallel, some divergence, not converging, not focu THE COURT: Okay.  Let's hear from this side.  MR. PIVOVAR: All right. Thank you, You Honor.  THE COURT: Thank you.  All right. So how parallel do they have be?  MR. DENNHARDT: Well, Your Honor, I this first of all, let me start with what we have in the intrinsic record. Right?  You asked counsel: Would you be okay we saying collimating means substantially the same diameter? He said no. Right?  This comes from the specification in the claim.	ust cight? using.  ur e to nk, e ith	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	So could y parallel?  MR. DENNHA  substantially paralle!  THE COURT:  MR. DENNHAI  THE COURT:  MR. DENNHAI  history if you rem put up his board, he collimating  (Reporter  MR. DENNHA  We said fr  that focusing and col Right? But he's pick of file history and i at	ou live with substantially  RDT: I think we could live with  1.  Can you live with noncovergent?  RDT: I don't think we can.  Why not?  RDT: Let me show you why. The file ember, when we talked about when he said we distinguish focusing from  clarification.)  RDT: I'm so sorry.  om the outset that I don't disagree limating are two different things.  ing and choosing certain portions
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	from the intrinsic record, it's clear from there, it  Parallel, some divergence, not converging, not foot  THE COURT: Okay.  Let's hear from this side.  MR. PIVOVAR: All right. Thank you, You  Honor.  THE COURT: Thank you.  All right. So how parallel do they have  be?  MR. DENNHARDT: Well, Your Honor, I this  first of all, let me start with what we have in the  intrinsic record. Right?  You asked counsel: Would you be okay we saying collimating means substantially the same diameter? He said no. Right?  This comes from the specification in the claim.  THE COURT: Well, actually, so "substantial".	ust cight? using.  ur e to nk, e ith	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	So could y parallel?  MR. DENNHA substantially paralle:  THE COURT:  MR. DENNHA THE COURT:  MR. DENNHA history if you rem put up his board, he collimating  (Reporter  MR. DENNHA We said fr that focusing and col Right? But he's pick of file history and i at  THE COURT:	ou live with substantially  RDT: I think we could live with  1.  Can you live with noncovergent?  RDT: I don't think we can.  Why not?  RDT: Let me show you why. The file ember, when we talked about when he said we distinguish focusing from  clarification.)  RDT: I'm so sorry.  om the outset that I don't disagree limating are two different things. ing and choosing certain portions gnoring other portions. Looking
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	from the intrinsic record, it's clear from there, it  Parallel, some divergence, not converging, not foot  THE COURT: Okay.  Let's hear from this side.  MR. PIVOVAR: All right. Thank you, You  Honor.  THE COURT: Thank you.  All right. So how parallel do they have  be?  MR. DENNHARDT: Well, Your Honor, I this  first of all, let me start with what we have in the  intrinsic record. Right?  You asked counsel: Would you be okay we saying collimating means substantially the same diameter? He said no. Right?  This comes from the specification in the claim.  THE COURT: Well, actually, so "substantial the same diameter," again, I don't find that that	ust cight? using.  ur e to nk, e ith	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	So could y parallel?  MR. DENNHA  substantially paralle!  THE COURT:  MR. DENNHA  THE COURT:  MR. DENNHA  history if you rem put up his board, he collimating  (Reporter  MR. DENNHA  We said fr  that focusing and col Right? But he's pick of file history and i at  THE COURT:  Okay. You	ou live with substantially  RDT: I think we could live with  1.  Can you live with noncovergent?  RDT: I don't think we can.  Why not?  RDT: Let me show you why. The file ember, when we talked about when he said we distinguish focusing from  clarification.)  RDT: I'm so sorry.  om the outset that I don't disagree limating are two different things. ing and choosing certain portions gnoring other portions. Looking  You just said hold on.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	from the intrinsic record, it's clear from there, it Parallel, some divergence, not converging, not focu THE COURT: Okay.  Let's hear from this side.  MR. PIVOVAR: All right. Thank you, You Honor.  THE COURT: Thank you.  All right. So how parallel do they have be?  MR. DENNHARDT: Well, Your Honor, I this first of all, let me start with what we have in the intrinsic record. Right?  You asked counsel: Would you be okay we saying collimating means substantially the same diameter? He said no. Right?  This comes from the specification in the claim.  THE COURT: Well, actually, so "substantial the same diameter," again, I don't find that that helpful. Substantially parallel, isn't that really	ust cight? using.  ur e to nk, e ith e cially	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	So could y parallel?  MR. DENNHA  substantially paralle!  THE COURT:  MR. DENNHA  THE COURT:  MR. DENNHA  history if you rem put up his board, he collimating  (Reporter  MR. DENNHA  We said fr  that focusing and col Right? But he's pick of file history and i at  THE COURT:  Okay. You	ou live with substantially  RDT: I think we could live with  1.  Can you live with noncovergent?  RDT: I don't think we can.  Why not?  RDT: Let me show you why. The file ember, when we talked about when he said we distinguish focusing from  clarification.)  RDT: I'm so sorry.  om the outset that I don't disagree limating are two different things. ing and choosing certain portions gnoring other portions. Looking  You just said hold on.  just said, "We have said from the ree that focusing and collimating
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	from the intrinsic record, it's clear from there, it Parallel, some divergence, not converging, not focu THE COURT: Okay.  Let's hear from this side.  MR. PIVOVAR: All right. Thank you, You Honor.  THE COURT: Thank you.  All right. So how parallel do they have be?  MR. DENNHARDT: Well, Your Honor, I this first of all, let me start with what we have in the intrinsic record. Right?  You asked counsel: Would you be okay we saying collimating means substantially the same diameter? He said no. Right?  This comes from the specification in the claim.  THE COURT: Well, actually, so "substantial the same diameter," again, I don't find that that helpful. Substantially parallel, isn't that really we mean?	ust cight? using.  ur e to nk, e ith e cially	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	So could y parallel?  MR. DENNHA  substantially paralle!  THE COURT:  MR. DENNHA  THE COURT:  MR. DENNHA  history if you rem put up his board, he collimating  (Reporter  MR. DENNHA  We said fr  that focusing and col Right? But he's pick of file history and i at  THE COURT:  Okay. You outset, I don't disag are two different thi	ou live with substantially  RDT: I think we could live with  1.  Can you live with noncovergent?  RDT: I don't think we can.  Why not?  RDT: Let me show you why. The file ember, when we talked about when he said we distinguish focusing from  clarification.)  RDT: I'm so sorry.  om the outset that I don't disagree limating are two different things. ing and choosing certain portions gnoring other portions. Looking  You just said hold on.  just said, "We have said from the ree that focusing and collimating
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	from the intrinsic record, it's clear from there, it  Parallel, some divergence, not converging, not foot  THE COURT: Okay.  Let's hear from this side.  MR. PIVOVAR: All right. Thank you, You  Honor.  THE COURT: Thank you.  All right. So how parallel do they have  be?  MR. DENNHARDT: Well, Your Honor, I this  first of all, let me start with what we have in the  intrinsic record. Right?  You asked counsel: Would you be okay we saying collimating means substantially the same diameter? He said no. Right?  This comes from the specification in the claim.  THE COURT: Well, actually, so "substantial the same diameter," again, I don't find that that helpful. Substantially parallel, isn't that really we mean?  MR. DENNHARDT: Well, it's effectively	ust cight? using.  ur  e to nk, e ith  e cially y what the	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	So could y parallel?  MR. DENNHA  substantially paralle!  THE COURT:  MR. DENNHAI  THE COURT:  MR. DENNHAI  history if you rem put up his board, he collimating  (Reporter  MR. DENNHA  We said fr  that focusing and col Right? But he's pick of file history and i at  THE COURT:  Okay. You outset, I don't disag are two different thi Great. So	ou live with substantially  RDT: I think we could live with  1.  Can you live with noncovergent?  RDT: I don't think we can.  Why not?  RDT: Let me show you why. The file ember, when we talked about when he said we distinguish focusing from  clarification.)  RDT: I'm so sorry.  om the outset that I don't disagree limating are two different things. ing and choosing certain portions gnoring other portions. Looking  You just said hold on.  just said, "We have said from the ree that focusing and collimating ngs."

	Case 1:24-cv-00945-CFC-EGT Document	192-1 13460	Filed 10/24/25 Page 29 of 50 PageID
1	MR. DENNHARDT: Because, Your Honor, when a	1	THE COURT: Right? I think each side is
2	beam is collimated, there may be some convergence. So if	2	trying to maintain absolute positions. You don't want to
3	you want to take this from the file history and say	3	have anything
4	generally maintaining the width of the beam, including,	4	You want to avoid precluding any convergence
5	for example, limiting its convergence or divergence, but	5	or any focusing.
6	not focusing, we would be okay with that.	6	MR. DENNHARDT: I would say any convergence.
7	But the point is	7	To the extent that there's limited convergence
8	THE COURT: Hold up. Hold up. Hold up.	8	THE COURT: Or divergence.
9	MR. DENNHARDT: Yes, Your Honor.	9	MR. DENNHARDT: Limited convergence or
10	THE COURT: See, I don't like the I just	10	divergence. That's right. We don't an absolute that
11	feel like you're	11	says you can't have any convergence or divergence.
12	Why do you keep going back to the width of	12	THE COURT: Right. Right. Okay. And they
13	the beam as opposed to referring to parallel?	13	want some precision.
14	MR. DENNHARDT: That would be fine too.	14	MR. DENNHARDT: I think, Your Honor
15	Generally parallelizing the beam, limiting its	15	THE COURT: And I think at the end of the day,
16	convergence or divergence but not focusing, that's okay.	16	the experts, this is boiling down to experts. I mean,
17	They want to eliminate any convergence at	17	the experts are going to have to come in and tell me and
18	all, right, and that's not what the file history says.	18	tell the jury what is an acceptable degree of divergence
19	It says limiting convergence or divergence.	19	or convergence that would not render something
20	If we wanted to add to that "but not	20	non-collimating.
21	focusing," that's okay with us. We don't disagree that	21	And presumably their expert would say the
22	collimating and focusing are different.	22	position your expert is taking is so extreme, it's
23	THE COURT: I think a compromise is reachable	23	allowing for so many convergence and divergence, that
24	here if people are being reasonable.	24	either it can't be accepted as falling within
0.5		0.5	
25	MR. DENNHARDT: Sure.	25	collimation or it's rendered the notion of collimation
25	MR. DENNHARDT: Sure.	25	collimation or it's rendered the notion of collimation
	111		112
1	indefinite. That's really what this boils down to.	1	112  MR. DENNHARDT: And if they want "but not
1 2	indefinite. That's really what this boils down to.  MR. DENNHARDT: Judge, I think you're exactly	1 2	MR. DENNHARDT: And if they want "but not focusing," that's okay with us.
1 2 3	indefinite. That's really what this boils down to.  MR. DENNHARDT: Judge, I think you're exactly right. And I think, going back to your original	1 2 3	MR. DENNHARDT: And if they want "but not focusing," that's okay with us.  THE COURT: How about "substantially such that
1 2 3 4	indefinite. That's really what this boils down to.  MR. DENNHARDT: Judge, I think you're exactly right. And I think, going back to your original suggestion of not construing the term and letting it go	1 2 3 4	MR. DENNHARDT: And if they want "but not focusing," that's okay with us.  THE COURT: How about "substantially such that any convergence and divergence is limited to the extent
1 2 3 4 5	indefinite. That's really what this boils down to.  MR. DENNHARDT: Judge, I think you're exactly right. And I think, going back to your original suggestion of not construing the term and letting it go to the experts, I think would be an acceptable solution	1 2 3 4 5	MR. DENNHARDT: And if they want "but not focusing," that's okay with us.  THE COURT: How about "substantially such that any convergence and divergence is limited to the extent possible."
1 2 3 4 5	indefinite. That's really what this boils down to.  MR. DENNHARDT: Judge, I think you're exactly right. And I think, going back to your original suggestion of not construing the term and letting it go to the experts, I think would be an acceptable solution here.	1 2 3 4 5	MR. DENNHARDT: And if they want "but not focusing," that's okay with us.  THE COURT: How about "substantially such that any convergence and divergence is limited to the extent possible."  "Rendering the rays parallel such that there
1 2 3 4 5 6 7	indefinite. That's really what this boils down to.  MR. DENNHARDT: Judge, I think you're exactly right. And I think, going back to your original suggestion of not construing the term and letting it go to the experts, I think would be an acceptable solution here.  THE COURT: Well, the other alternative would	1 2 3 4 5 6	MR. DENNHARDT: And if they want "but not focusing," that's okay with us.  THE COURT: How about "substantially such that any convergence and divergence is limited to the extent possible."  "Rendering the rays parallel such that there is"
1 2 3 4 5 6 7 8	indefinite. That's really what this boils down to.  MR. DENNHARDT: Judge, I think you're exactly right. And I think, going back to your original suggestion of not construing the term and letting it go to the experts, I think would be an acceptable solution here.  THE COURT: Well, the other alternative would be to come up with something in between what your friend	1 2 3 4 5 6 7 8	MR. DENNHARDT: And if they want "but not focusing," that's okay with us.  THE COURT: How about "substantially such that any convergence and divergence is limited to the extent possible."  "Rendering the rays parallel such that there is"  Sorry. "Rendering the rays substantially
1 2 3 4 5 6 7 8	indefinite. That's really what this boils down to.  MR. DENNHARDT: Judge, I think you're exactly right. And I think, going back to your original suggestion of not construing the term and letting it go to the experts, I think would be an acceptable solution here.  THE COURT: Well, the other alternative would be to come up with something in between what your friend said a few minutes ago was acceptable and what you're	1 2 3 4 5 6 7 8	MR. DENNHARDT: And if they want "but not focusing," that's okay with us.  THE COURT: How about "substantially such that any convergence and divergence is limited to the extent possible."  "Rendering the rays parallel such that there is"  Sorry. "Rendering the rays substantially parallel such that any convergence or divergence is
1 2 3 4 5 6 7 8 9	indefinite. That's really what this boils down to.  MR. DENNHARDT: Judge, I think you're exactly right. And I think, going back to your original suggestion of not construing the term and letting it go to the experts, I think would be an acceptable solution here.  THE COURT: Well, the other alternative would be to come up with something in between what your friend said a few minutes ago was acceptable and what you're saying. And it strikes me that we ought to be able to	1 2 3 4 5 6 7 8 9	MR. DENNHARDT: And if they want "but not focusing," that's okay with us.  THE COURT: How about "substantially such that any convergence and divergence is limited to the extent possible."  "Rendering the rays parallel such that there is"  Sorry. "Rendering the rays substantially parallel such that any convergence or divergence is limited to the extent possible."
1 2 3 4 5 6 7 8 9 10	indefinite. That's really what this boils down to.  MR. DENNHARDT: Judge, I think you're exactly right. And I think, going back to your original suggestion of not construing the term and letting it go to the experts, I think would be an acceptable solution here.  THE COURT: Well, the other alternative would be to come up with something in between what your friend said a few minutes ago was acceptable and what you're saying. And it strikes me that we ought to be able to come up with something.	1 2 3 4 5 6 7 8 9 10	MR. DENNHARDT: And if they want "but not focusing," that's okay with us.  THE COURT: How about "substantially such that any convergence and divergence is limited to the extent possible."  "Rendering the rays parallel such that there is"  Sorry. "Rendering the rays substantially parallel such that any convergence or divergence is limited to the extent possible."  MR. DENNHARDT: Your Honor, I think generally
1 2 3 4 5 6 7 8 9 10 11	indefinite. That's really what this boils down to.  MR. DENNHARDT: Judge, I think you're exactly right. And I think, going back to your original suggestion of not construing the term and letting it go to the experts, I think would be an acceptable solution here.  THE COURT: Well, the other alternative would be to come up with something in between what your friend said a few minutes ago was acceptable and what you're saying. And it strikes me that we ought to be able to come up with something.  So give me your best. What's your best	1 2 3 4 5 6 7 8 9 10 11	MR. DENNHARDT: And if they want "but not focusing," that's okay with us.  THE COURT: How about "substantially such that any convergence and divergence is limited to the extent possible."  "Rendering the rays parallel such that there is"  Sorry. "Rendering the rays substantially parallel such that any convergence or divergence is limited to the extent possible."  MR. DENNHARDT: Your Honor, I think generally that's in the right direction.
1 2 3 4 5 6 7 8 9 10 11 12	indefinite. That's really what this boils down to.  MR. DENNHARDT: Judge, I think you're exactly right. And I think, going back to your original suggestion of not construing the term and letting it go to the experts, I think would be an acceptable solution here.  THE COURT: Well, the other alternative would be to come up with something in between what your friend said a few minutes ago was acceptable and what you're saying. And it strikes me that we ought to be able to come up with something.  So give me your best. What's your best proposal?	1 2 3 4 5 6 7 8 9 10 11 12 13	MR. DENNHARDT: And if they want "but not focusing," that's okay with us.  THE COURT: How about "substantially such that any convergence and divergence is limited to the extent possible."  "Rendering the rays parallel such that there is"  Sorry. "Rendering the rays substantially parallel such that any convergence or divergence is limited to the extent possible."  MR. DENNHARDT: Your Honor, I think generally that's in the right direction.  I think the challenge that comes to mind is
1 2 3 4 5 6 7 8 9 10 11 12 13 14	indefinite. That's really what this boils down to.  MR. DENNHARDT: Judge, I think you're exactly right. And I think, going back to your original suggestion of not construing the term and letting it go to the experts, I think would be an acceptable solution here.  THE COURT: Well, the other alternative would be to come up with something in between what your friend said a few minutes ago was acceptable and what you're saying. And it strikes me that we ought to be able to come up with something.  So give me your best. What's your best proposal?  MR. DENNHARDT: Judge, I think if we said	1 2 3 4 5 6 7 8 9 10 11 12 13	MR. DENNHARDT: And if they want "but not focusing," that's okay with us.  THE COURT: How about "substantially such that any convergence and divergence is limited to the extent possible."  "Rendering the rays parallel such that there is"  Sorry. "Rendering the rays substantially parallel such that any convergence or divergence is limited to the extent possible."  MR. DENNHARDT: Your Honor, I think generally that's in the right direction.  I think the challenge that comes to mind is how do we determine to what extent convergence or
1 2 3 4 5 6 7 8 9 10 11 12 13 14	indefinite. That's really what this boils down to.  MR. DENNHARDT: Judge, I think you're exactly right. And I think, going back to your original suggestion of not construing the term and letting it go to the experts, I think would be an acceptable solution here.  THE COURT: Well, the other alternative would be to come up with something in between what your friend said a few minutes ago was acceptable and what you're saying. And it strikes me that we ought to be able to come up with something.  So give me your best. What's your best proposal?  MR. DENNHARDT: Judge, I think if we said limiting its convergence or —	1 2 3 4 5 6 7 8 9 10 11 12 13 14	MR. DENNHARDT: And if they want "but not focusing," that's okay with us.  THE COURT: How about "substantially such that any convergence and divergence is limited to the extent possible."  "Rendering the rays parallel such that there is"  Sorry. "Rendering the rays substantially parallel such that any convergence or divergence is limited to the extent possible."  MR. DENNHARDT: Your Honor, I think generally that's in the right direction.  I think the challenge that comes to mind is how do we determine to what extent convergence or divergence is, you know, limited to the extent possible,
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	indefinite. That's really what this boils down to.  MR. DENNHARDT: Judge, I think you're exactly right. And I think, going back to your original suggestion of not construing the term and letting it go to the experts, I think would be an acceptable solution here.  THE COURT: Well, the other alternative would be to come up with something in between what your friend said a few minutes ago was acceptable and what you're saying. And it strikes me that we ought to be able to come up with something.  So give me your best. What's your best proposal?  MR. DENNHARDT: Judge, I think if we said limiting its convergence or —  THE COURT: Hold on. And let's start with	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15	MR. DENNHARDT: And if they want "but not focusing," that's okay with us.  THE COURT: How about "substantially such that any convergence and divergence is limited to the extent possible."  "Rendering the rays parallel such that there is"  Sorry. "Rendering the rays substantially parallel such that any convergence or divergence is limited to the extent possible."  MR. DENNHARDT: Your Honor, I think generally that's in the right direction.  I think the challenge that comes to mind is how do we determine to what extent convergence or divergence is, you know, limited to the extent possible, right?
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	indefinite. That's really what this boils down to.  MR. DENNHARDT: Judge, I think you're exactly right. And I think, going back to your original suggestion of not construing the term and letting it go to the experts, I think would be an acceptable solution here.  THE COURT: Well, the other alternative would be to come up with something in between what your friend said a few minutes ago was acceptable and what you're saying. And it strikes me that we ought to be able to come up with something.  So give me your best. What's your best proposal?  MR. DENNHARDT: Judge, I think if we said limiting its convergence or —  THE COURT: Hold on. And let's start with "collimating." Right? Just construe collimating.	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	MR. DENNHARDT: And if they want "but not focusing," that's okay with us.  THE COURT: How about "substantially such that any convergence and divergence is limited to the extent possible."  "Rendering the rays parallel such that there is"  Sorry. "Rendering the rays substantially parallel such that any convergence or divergence is limited to the extent possible."  MR. DENNHARDT: Your Honor, I think generally that's in the right direction.  I think the challenge that comes to mind is how do we determine to what extent convergence or divergence is, you know, limited to the extent possible, right?  THE COURT: I know. But that's why they're
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	indefinite. That's really what this boils down to.  MR. DENNHARDT: Judge, I think you're exactly right. And I think, going back to your original suggestion of not construing the term and letting it go to the experts, I think would be an acceptable solution here.  THE COURT: Well, the other alternative would be to come up with something in between what your friend said a few minutes ago was acceptable and what you're saying. And it strikes me that we ought to be able to come up with something.  So give me your best. What's your best proposal?  MR. DENNHARDT: Judge, I think if we said limiting its convergence or —  THE COURT: Hold on. And let's start with "collimating." Right? Just construe collimating.  MR. DENNHARDT: Collimating means rendering	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	MR. DENNHARDT: And if they want "but not focusing," that's okay with us.  THE COURT: How about "substantially such that any convergence and divergence is limited to the extent possible."  "Rendering the rays parallel such that there is"  Sorry. "Rendering the rays substantially parallel such that any convergence or divergence is limited to the extent possible."  MR. DENNHARDT: Your Honor, I think generally that's in the right direction.  I think the challenge that comes to mind is how do we determine to what extent convergence or divergence is, you know, limited to the extent possible, right?  THE COURT: I know. But that's why they're saying its indefinite. I mean, frankly, what I also
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	indefinite. That's really what this boils down to.  MR. DENNHARDT: Judge, I think you're exactly right. And I think, going back to your original suggestion of not construing the term and letting it go to the experts, I think would be an acceptable solution here.  THE COURT: Well, the other alternative would be to come up with something in between what your friend said a few minutes ago was acceptable and what you're saying. And it strikes me that we ought to be able to come up with something.  So give me your best. What's your best proposal?  MR. DENNHARDT: Judge, I think if we said limiting its convergence or  THE COURT: Hold on. And let's start with "collimating." Right? Just construe collimating.  MR. DENNHARDT: Collimating means rendering the rays substantially parallel, limiting its	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	MR. DENNHARDT: And if they want "but not focusing," that's okay with us.  THE COURT: How about "substantially such that any convergence and divergence is limited to the extent possible."  "Rendering the rays parallel such that there is"  Sorry. "Rendering the rays substantially parallel such that any convergence or divergence is limited to the extent possible."  MR. DENNHARDT: Your Honor, I think generally that's in the right direction.  I think the challenge that comes to mind is how do we determine to what extent convergence or divergence is, you know, limited to the extent possible, right?  THE COURT: I know. But that's why they're saying its indefinite. I mean, frankly, what I also think we ought to do is we ought to tee up summary
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	indefinite. That's really what this boils down to.  MR. DENNHARDT: Judge, I think you're exactly right. And I think, going back to your original suggestion of not construing the term and letting it go to the experts, I think would be an acceptable solution here.  THE COURT: Well, the other alternative would be to come up with something in between what your friend said a few minutes ago was acceptable and what you're saying. And it strikes me that we ought to be able to come up with something.  So give me your best. What's your best proposal?  MR. DENNHARDT: Judge, I think if we said limiting its convergence or —  THE COURT: Hold on. And let's start with "collimating." Right? Just construe collimating.  MR. DENNHARDT: Collimating means rendering the rays substantially parallel, limiting its —  THE COURT: Hold on. "Rendering the rays	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	MR. DENNHARDT: And if they want "but not focusing," that's okay with us.  THE COURT: How about "substantially such that any convergence and divergence is limited to the extent possible."  "Rendering the rays parallel such that there is"  Sorry. "Rendering the rays substantially parallel such that any convergence or divergence is limited to the extent possible."  MR. DENNHARDT: Your Honor, I think generally that's in the right direction.  I think the challenge that comes to mind is how do we determine to what extent convergence or divergence is, you know, limited to the extent possible, right?  THE COURT: I know. But that's why they're saying its indefinite. I mean, frankly, what I also think we ought to do is we ought to tee up summary judgment for indefiniteness and let's do that before we
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	indefinite. That's really what this boils down to.  MR. DENNHARDT: Judge, I think you're exactly right. And I think, going back to your original suggestion of not construing the term and letting it go to the experts, I think would be an acceptable solution here.  THE COURT: Well, the other alternative would be to come up with something in between what your friend said a few minutes ago was acceptable and what you're saying. And it strikes me that we ought to be able to come up with something.  So give me your best. What's your best proposal?  MR. DENNHARDT: Judge, I think if we said limiting its convergence or  THE COURT: Hold on. And let's start with "collimating." Right? Just construe collimating.  MR. DENNHARDT: Collimating means rendering the rays substantially parallel, limiting its	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	MR. DENNHARDT: And if they want "but not focusing," that's okay with us.  THE COURT: How about "substantially such that any convergence and divergence is limited to the extent possible."  "Rendering the rays parallel such that there is"  Sorry. "Rendering the rays substantially parallel such that any convergence or divergence is limited to the extent possible."  MR. DENNHARDT: Your Honor, I think generally that's in the right direction.  I think the challenge that comes to mind is how do we determine to what extent convergence or divergence is, you know, limited to the extent possible, right?  THE COURT: I know. But that's why they're saying its indefinite. I mean, frankly, what I also think we ought to do is we ought to tee up summary

23

24

23

24

divergence.

divergence."

THE COURT: "There is limited convergence and

All right. Can you live with: "Rendering

the rays substantially parallel such that the amount of convergence and divergence is limited to the extent

Case 1:24-cv-00945-CFC-EGT Filed 10/24/25 Page 30 of 50 PageID Document 192-1 #: 13461 113 1 possible." 1 to light, having convergence of a collimated beam is a 2 Can you live with that? 2 physical impossibility. 3 MR. PIVOVAR: I'm thinking about it. 3 And I know they're pointing to all this THE COURT: Well, think about it, then don't extrinsic evidence. There's nothing in the intrinsic 4 4 5 talk. Just go back and talk to your partner and think 5 record that ever says a contracting beam. They say 6 about it 6 maintaining the spots eye or the diameter of the beam 7 and limiting or not significantly expanding the beam, MR. PIVOVAR: I'm sorry, Your Honor. It's 8 just because if you minimize the amount of convergence or 8 because everybody understands that a collimated beam 9 divergence that could be in a beam, you end up with our 9 will have some divergence and no convergence. And I do construction of a collimated beam. That's the point. 10 10 want to address this --11 So --11 THE COURT: We will have divergence but not 12 12 THE COURT: Well, then you win. If you like convergence? 13 it, then you should say I like it. 13 MR. PIVOVAR: Not convergence, Your Honor. 14 MR. PIVOVAR: And I just want to make sure 14 And I did want to point this out because the main -- can 15 that, like, if we're going to agree to something like 15 we go to the --16 that, where it's minimizing -- and the question is to me, 16 THE COURT: All right. But hold on. I think 17 minimizing the convergence or divergence, is that a 17 I can address that. Hold on. 18 comparable? 18 MR. PIVOVAR: Okay. 19 19 Like if I can minimize the divergence Can you go to the document. THE COURT: I think I've addressed this. 20 relative to the convergence, which way do I go? There 20 21 are some issues on that. 21 "Rendering the rays substantially parallel such that any 22 convergence and any divergence are limited to the extent 22 But anyhow, Your Honor, I did want to, if I 23 could -- I know you're trying to reach an agreement 23 possible." 24 here. And I just want to be clear here that having a 24 So it's any divergence, any convergence. So 25 collimated beam when it comes to light -- when it comes 2.5 even if it is only divergence, you still get your way. 115 116 1 You could do it. Doesn't have to be both convergence 1 MR. PIVOVAR: But if we're saying if I'm going 2 and divergence. Can be either or both. 2 to -- I'm going to minimize the amount of beam divergence 3 MR. PIVOVAR: I'm sorry that I'm pausing 3 that a ray of light has, right, just that, that's a --Λ there. I'm thinking about the active on this. Right? Λ that's the definition of a collimated beam. When it What's the --5 5 comes to light, that is it. It has divergence and it's 6 THE COURT: The what? 6 minimized 7 7 MR. PIVOVAR: There's like an active aspect to If I have a diverging ray, it's going to be this, right, because it's saying -- I believe you said, bigger, and it's not going to be minimizing the amount 8 8 9 like, limiting to the extent possible. 9 of divergence. THE COURT: Limited. 10 10 THE COURT: I thought you also want 11 MR. PIVOVAR: Limited? 11 convergence? It's to the extent possible, right? So... 12 MR. PIVOVAR: No. 12 THE COURT: I mean, I thought originally you 13 THE COURT: I thought you wanted that. 13 MR. PIVOVAR: No. We do. We do. I'm just did until just the last two minutes but --14 14 thinking about it -- I'm sorry -- in an application of 15 15 MR. PIVOVAR: Right. We pointed out how in let's say I have, you know, light coming into a lens and 16 16 the file history here it says no convergence. 17 it's a focused beam. And, like, well, to the extent 17 You can bring up the slide, Dustin. 18 possible --18 And I did want to point this out. So here's 19 THE COURT: Aren't you going to still say it's 19 how this went down from a file history standpoint. 20 still indefinite? Even with that definition, it's 20 Exhibit 7 that you see on the board that we talked about indefinite? 21 21 before, they're first confronted with the rejection by What does "to the extent possible" mean? 22 22 the examiner. This is what they say, right? 23 MR. PIVOVAR: Well, that's a good question. 23 A person of ordinary skill in the art would THE COURT: Yeah. Well, that's what I'm 24 not understand that the objective lens brings all of the 24 25 wondering. 25 rays -- would understand, sorry -- parallel to each

Case 1:24-cv-00945-CFC-EGT Document 192-1 Filed 10/24/25 Page 31 of 50 PageID #: 13462 117 other... some beam divergence... this is not focusing --1 And I did want to point this out, Your Honor, 2 THE REPORTER: Can you read slower. 2 because this -- it says see, for example, Specification 3 MR. PIVOVAR: I'm sorry. 3 4:46 to 63. That has the indication that it's pointing This is not focusing... light effectively 4 to the specification, and it has support in the 4 5 collimated... 5 intrinsic record. This is on Slide 30. This is what they said. 6 6 The file history specification -- $\ensuremath{\mathbf{THE}}$   $\ensuremath{\mathbf{COURT}}\colon$  I am losing you. What's the main Now, they had a parallel argument with this, 7 7 8 but this is what they told the examiner when they were 8 point here? 9 trying to do this. 9 MR. PIVOVAR: So the main point here is that he is pointing to a second part -- or counsel for Now they came back and this is the portion of 10 10 11 file history that plaintiff's counsel is pointing to. 11 plaintiff is pointing to a second part of the file They came back later after the examiner had already 12 history, saying you should just adopt this and let's 12 13 agreed for a different reason that they would be able to 13 broker a deal from this. 14 get their claims through and they changed. They changed 14 This is wrong. This is wrong on Slide 31. 15 what they said in some ways, and they kept what they 15 THE COURT: Okay. So then, you just... 16 said in other ways. 16 Are you saying you just get convergence out 17 They're like collimates rather than focus. 17 of it and just talk about divergence only? Is that your 18 Collimation is not focusing. They're distinguishing 18 point? between focusing and collimation. So they're still 19 19 MR. PIVOVAR: That is my point. THE COURT: Okay. Well, then, "Rendering the 20 doing this. 20 21 If this look in this middle of this on 21 rays substantially parallel such that any divergence is Slide 31, our Slide 31, it says -- it changes what a 22 limited to the extent possible." 22 23 POSA's understanding was from the previously what they 23 You can live with that? 24 said to what they're saying later to try and expand this 24 MR. PIVOVAR: As long as the understanding is 25 out. 25 it doesn't involve converging beams or convergence, 119 1 that's fine. saying here. And what they do in their follow-up, this 2 THE COURT: But then I put convergence in I 2 is on Slide 30 from the file history of Exhibit 7. 3 thought precisely --3 But if you go to our Slide 31, which is Λ MR. PIVOVAR: No, no, no, no. 4 Exhibit 6, which is the follow-up, well, they try to 5 THE COURT: -- because you said you are 5 back off that because they know that the examiner has 6 concerned about convergence too. 6 already done something, and they want to make it seem 7 MR. PIVOVAR: No, no, no. I'm sorry, Your 7 like this is supported by the specification. Honor. It excludes convergence. And the point I wanted to make here, Your 8 8 9 9 Honor, is there is no citation in the specification in So if you put on that phrase, "comma, excluding focused light or converging light," fine. 10 10 this file history that is that. And the file history --11 Right? 11 THE COURT: They just made it up? MR. PIVOVAR: I have no idea where it came 12 It's the interpretation of the words, right? 12 If you take out -- we think --13 13 from. THE COURT: You want to say there can be no 14 14 So the file history is double-spaced. It 15 15 convergence whatsoever, but there can be divergence? stops at Line 30. And if you look on Page 4 of the 16 MR. PIVOVAR: Yes, Your Honor, that's right. 16 specification, there's nothing there. Another thing, 17 And I did just want to point out in this --17 you don't have these lines on Page 4 of the 18 THE COURT: And... 18 specification of the file history. 19 MR. PIVOVAR: This is exactly what they said 19 THE COURT: Was this in the brief? 20 in their previous thing, "parallel to each other with 20 MR. PIVOVAR: Our expert addressed it, but 21 some beam divergence." 21 this was a lot there. They pretty much -- we had to Right? Not focusing, which involves 22 fight them a little bit about the file history. 22 converging light, light effectively collimated is not 23 23 But the point I was just trying to make here, 24 24 Your Honor, is this has no support other than attorney converging. 25 This is the whole point of what they're 25 argument. Right. Okay. We are going to say this now.

1	Case 1:24-cv-00945-CFC-EGT Document  121 #:  He's saying something that's different than what he said	192-1 13463	Filed 10/24/25 Page 32 of 50 PageID  122 they cite to a portion of the specification that doesn't
2	before. All we're saying is that's not right. And he's	2	exist, they are still admitting that collimating light
3	still admitting that collimation is not focusing, none	3	doesn't read on converging or focused light.
4	of these other things. And if you look sorry, Your	4	So this is all supportive of why what you
5	Honor. I know I'm going pretty fast.	5	said, and you've recognized, from our perspective is the
6	If you look at Slide 31, then, in conjunction	6	collimated beam never has focused or converging light.
7	with all of this, what they did is they said, well, we	7	And
8	think we all understand that collimated beams are not	8	THE COURT: The intrinsic evidence that you
9	focused beams with any converging rays or anything like	9	are quoting from right now
10	that.	10	MR. PIVOVAR: Uh-huh.
11	What we're going to do though anyway is we're	11	THE COURT: came after the patents were
12	going to amend our claims because to make clear that	12	issued, right?
13	light that's focused by collecting optical element	13	It's a response to the May 2, 2024, Final
14	convergences instead of being collimated. Right?	14	Office Action.
15	Instead of being collimated. Not I understand that.	15	MR. PIVOVAR: This is from the file history
16	But I'm just pointing out why the convergence, even	16	of that was part of the family being prosecuted over
17	in even in the portion of the specification that	17	time. That's right.
18	they're talking about they're distinguishing between	18	THE COURT: But it's based on the same written
19	focused light, collimated light, and light that's	19	description. In other words, the patent that it is
20	converging further down.	20	addressing, which is not one of the asserted patents
21	Collimates the fluorescent light, is not	21	here, but it's the same family of patents and it shares
22	configured to focus the fluorescent light such that the	22	the same written description; is that the case?
23	fluorescent light leaving the objective beam converges	23	MR. PIVOVAR: It shares the same written
24	as the claims require.	24	description, and I am nearly certain this is from the
25	So even in this excerpt that they have where	25	file history of one of the asserted patents, the '106
	123		124
1	right? Yeah, the '106 patent. This is one of the	1	characterizing and telling the examiner what these terms
2	asserted patents.	2	mean. And all we are saying is, like, be consistent,
3	THE COURT: It is in one of the asserted	3	right? Stick with what you said in the file history.
4	patents?	4	And then, if you go back to our slide I'll
5	MR. PIVOVAR: Yes.	5	get there. It will take me a second, a little while.
6	THE COURT: But it's after its issuance? No?	6	It's this, Your Honor. It's this. Their
7	It's before?	7	allegation of infringement under this term is completely
8	MR. PIVOVAR: Yeah. This is part of the file	8	divorced from what they told the Patent Office. Even in
9	history leading to	9	the excerpt, like I said, of the file history that they
10	THE COURT: Sometimes people call file history	10	truncated, within the broader part of that they say
11	intrinsic evidence, you know, PTAB. That's what I am	11	"focused light like this is not collimated."

12

13

14

15

16

17

18

19

20

21

22

23

24

25

12 trying to get at. 13 MR. PIVOVAR: Yeah. Yeah. This was part 14 of -- so in this case -- not to go back, originally 15 plaintiff asserted two patents. Patents issued in December, asserted those to this case. 16 17 THE COURT: Okay. 18 MR. PIVOVAR: Those two -- of those two that 19 were newly asserted, one of them is the -- it's the '106 20 and '107 patents that were added to this case. This is 21 the file history from the '106 patent before it issued. 22 THE COURT: All right. Thank you. 23 MR. PIVOVAR: So this is all part of the kind

of non-after disputes of the PTAB.

And the key thing is that they are

24

25

Didn't stop them from making the allegation as part of their -- as part of their infringement contentions. So that's why we need to construe this. And if you have any specific other proposals, I think you understand our position. Our position is a collimated beam can never have focusing or converging light. It can have beam divergence. THE COURT: Right. MR. PIVOVAR: And we accept that. Our construction does that. It's not necessarily in the same words. Substantively, that's what it does. So form over

THE COURT: Okay. Thank you.

	Case 1:24-cv-00945-CFC-EGT	192-1 13464	Filed 10/24/25 Page 33 of 50 PageID
1	MR. PIVOVAR: Thank you, Your Honor.	1	angle talks about, if you assume what perfect
2	THE COURT: Just wait a second, please.	2	parallelization would be, divergence angle refers to how
3	All right. Can you point me to anywhere in	3	far a beam might diverge beyond what you would assume to
4	the written description where there's any statement that	4	be a perfectly parallel beam.
5	to the effect that collimating or collimation, if that's	5	THE COURT: Is there such a thing as a
6	a word, would allow for convergence?	6	convergence angle?
7	MR. DENNHARDT: Yes, Your Honor. It's right	7	MR. DENNHARDT: I believe there is, Your
8	here. Its' talking about substantially the same	8	Honor, yes.
9	diameter. It could have said "substantially the same	9	THE COURT: What's etendue mean?
10	diameter but without any convergence," but it didn't say	10	MR. DENNHARDT: Your Honor, it is a complex
11	that. It just said "substantially the same diameter."	11	optical term that does refer to the amount of which a
12	Right? So it's not limited to just	12	beam varies from a perfectly parallel beam. I would have
13	divergence, as they want to say.	13	to defer to an expert on that, which I admittedly am not.
14	THE COURT: Okay. Do you have anything else?	14	THE COURT: Okay. Would you agree that that's
15	MR. DENNHARDT: I think that's what I have at	15	generally a good definition for etendue? Is that how you
16	my fingertips. Again, I would note that the file history	16	pronounce it?
17	itself specifically says	17	MR. DENNHARDT: Etendue?
18	THE COURT: The file history, I just want to	18	THE COURT: Yeah.
19	start right now with the written description of the	19	MR. PIVOVAR: I didn't catch all of it, but
20	patent.	20	THE COURT: What do you think etendue means?
21	MR. DENNHARDT: Sure.	21	MR. PIVOVAR: So etendue is a concept that is
22	THE COURT: Hold on.	22	a measure for how large a light source is, multiplied by
23	MR. DENNHARDT: Yes, Judge.	23	how wide the beam divergence is.
24	<b>THE COURT:</b> What is a divergence angle?	24	So it kind of gets to this notion of, like,
25	MR. DENNHARDT: I believe, Judge, a divergence	25	how far when we talked about a point source, you have
	127		128
1	a point source and it's going to have all these rays of	1	THE COURT: is the slide that you had where
2	a point source and it's going to have all these rays of light that are emanating from a single point. It's	2	THE COURT: is the slide that you had where you used the word "etendue," was that taken from the
2	a point source and it's going to have all these rays of light that are emanating from a single point. It's going to come out like a cone.	2	THE COURT: is the slide that you had where you used the word "etendue," was that taken from the patent?
2 3 4	a point source and it's going to have all these rays of light that are emanating from a single point. It's going to come out like a cone.  Whereas, if you have etendue in a bigger	2 3 4	THE COURT: is the slide that you had where you used the word "etendue," was that taken from the patent?  MR. PIVOVAR: I believe what I did was I put
2 3 4 5	a point source and it's going to have all these rays of light that are emanating from a single point. It's going to come out like a cone.  Whereas, if you have etendue in a bigger light source, it's not going to come to a point on the	2 3 4 5	THE COURT: is the slide that you had where you used the word "etendue," was that taken from the patent?  MR. PIVOVAR: I believe what I did was I put up a part of the file history of '412 patent. So it's
2 3 4 5	a point source and it's going to have all these rays of light that are emanating from a single point. It's going to come out like a cone.  Whereas, if you have etendue in a bigger light source, it's not going to come to a point on the cone, it's going to have light emitting from different	2 3 4 5	THE COURT: is the slide that you had where you used the word "etendue," was that taken from the patent?  MR. PIVOVAR: I believe what I did was I put up a part of the file history of '412 patent. So it's not a slide I have. I used that as a depiction and in
2 3 4 5 6	a point source and it's going to have all these rays of light that are emanating from a single point. It's going to come out like a cone.  Whereas, if you have etendue in a bigger light source, it's not going to come to a point on the cone, it's going to have light emitting from different things. Etendue is a concept that tries to quantify the	2 3 4 5 6	THE COURT: is the slide that you had where you used the word "etendue," was that taken from the patent?  MR. PIVOVAR: I believe what I did was I put up a part of the file history of '412 patent. So it's not a slide I have. I used that as a depiction and in that, when I read it, it referred to etendue. It did.
2 3 4 5 6 7 8	a point source and it's going to have all these rays of light that are emanating from a single point. It's going to come out like a cone.  Whereas, if you have etendue in a bigger light source, it's not going to come to a point on the cone, it's going to have light emitting from different things. Etendue is a concept that tries to quantify the distinction between what would be a point source and a	2 3 4 5 6 7 8	THE COURT: is the slide that you had where you used the word "etendue," was that taken from the patent?  MR. PIVOVAR: I believe what I did was I put up a part of the file history of '412 patent. So it's not a slide I have. I used that as a depiction and in that, when I read it, it referred to etendue. It did.  I don't believe the specification
2 3 4 5 6 7 8	a point source and it's going to have all these rays of light that are emanating from a single point. It's going to come out like a cone.  Whereas, if you have etendue in a bigger light source, it's not going to come to a point on the cone, it's going to have light emitting from different things. Etendue is a concept that tries to quantify the distinction between what would be a point source and a larger source and how the light is shaped and what	2 3 4 5 6 7 8	THE COURT: is the slide that you had where you used the word "etendue," was that taken from the patent?  MR. PIVOVAR: I believe what I did was I put up a part of the file history of '412 patent. So it's not a slide I have. I used that as a depiction and in that, when I read it, it referred to etendue. It did.  I don't believe the specification certainly says that. I just want to be clear that I
2 3 4 5 6 7 8 9	a point source and it's going to have all these rays of light that are emanating from a single point. It's going to come out like a cone.  Whereas, if you have etendue in a bigger light source, it's not going to come to a point on the cone, it's going to have light emitting from different things. Etendue is a concept that tries to quantify the distinction between what would be a point source and a larger source and how the light is shaped and what implications that has on collimating light and things	2 3 4 5 6 7 8 9	THE COURT: is the slide that you had where you used the word "etendue," was that taken from the patent?  MR. PIVOVAR: I believe what I did was I put up a part of the file history of '412 patent. So it's not a slide I have. I used that as a depiction and in that, when I read it, it referred to etendue. It did.  I don't believe the specification certainly says that. I just want to be clear that I think what you may be referring to was when I was
2 3 4 5 6 7 8 9 10	a point source and it's going to have all these rays of light that are emanating from a single point. It's going to come out like a cone.  Whereas, if you have etendue in a bigger light source, it's not going to come to a point on the cone, it's going to have light emitting from different things. Etendue is a concept that tries to quantify the distinction between what would be a point source and a larger source and how the light is shaped and what implications that has on collimating light and things like that. So it is a concept.	2 3 4 5 6 7 8 9 10	THE COURT: is the slide that you had where you used the word "etendue," was that taken from the patent?  MR. PIVOVAR: I believe what I did was I put up a part of the file history of '412 patent. So it's not a slide I have. I used that as a depiction and in that, when I read it, it referred to etendue. It did.  I don't believe the specification certainly says that. I just want to be clear that I think what you may be referring to was when I was reading from the file history on an actual physical
2 3 4 5 6 7 8 9 10 11	a point source and it's going to have all these rays of light that are emanating from a single point. It's going to come out like a cone.  Whereas, if you have etendue in a bigger light source, it's not going to come to a point on the cone, it's going to have light emitting from different things. Etendue is a concept that tries to quantify the distinction between what would be a point source and a larger source and how the light is shaped and what implications that has on collimating light and things like that. So it is a concept.  THE COURT: You had that word in one of your	2 3 4 5 6 7 8 9 10 11 12	THE COURT: is the slide that you had where you used the word "etendue," was that taken from the patent?  MR. PIVOVAR: I believe what I did was I put up a part of the file history of '412 patent. So it's not a slide I have. I used that as a depiction and in that, when I read it, it referred to etendue. It did.  I don't believe the specification certainly says that. I just want to be clear that I think what you may be referring to was when I was reading from the file history on an actual physical document.
2 3 4 5 6 7 8 9 10 11 12 13	a point source and it's going to have all these rays of light that are emanating from a single point. It's going to come out like a cone.  Whereas, if you have etendue in a bigger light source, it's not going to come to a point on the cone, it's going to have light emitting from different things. Etendue is a concept that tries to quantify the distinction between what would be a point source and a larger source and how the light is shaped and what implications that has on collimating light and things like that. So it is a concept.  THE COURT: You had that word in one of your slides, right, etendue?	2 3 4 5 6 7 8 9 10 11 12 13	THE COURT: is the slide that you had where you used the word "etendue," was that taken from the patent?  MR. PIVOVAR: I believe what I did was I put up a part of the file history of '412 patent. So it's not a slide I have. I used that as a depiction and in that, when I read it, it referred to etendue. It did.  I don't believe the specification certainly says that. I just want to be clear that I think what you may be referring to was when I was reading from the file history on an actual physical document.  MR. DENNHARDT: Judge, if I recall, I believe
2 3 4 5 6 7 8 9 10 11 12 13 14	a point source and it's going to have all these rays of light that are emanating from a single point. It's going to come out like a cone.  Whereas, if you have etendue in a bigger light source, it's not going to come to a point on the cone, it's going to have light emitting from different things. Etendue is a concept that tries to quantify the distinction between what would be a point source and a larger source and how the light is shaped and what implications that has on collimating light and things like that. So it is a concept.  THE COURT: You had that word in one of your slides, right, etendue?  MR. PIVOVAR: It's in the patent. That's how	2 3 4 5 6 7 8 9 10 11 12 13	THE COURT: is the slide that you had where you used the word "etendue," was that taken from the patent?  MR. PIVOVAR: I believe what I did was I put up a part of the file history of '412 patent. So it's not a slide I have. I used that as a depiction and in that, when I read it, it referred to etendue. It did.  I don't believe the specification certainly says that. I just want to be clear that I think what you may be referring to was when I was reading from the file history on an actual physical document.  MR. DENNHARDT: Judge, if I recall, I believe it was from the file history of a patent that is not
2 3 4 5 6 7 8 9 10 11 12 13 14 15	a point source and it's going to have all these rays of light that are emanating from a single point. It's going to come out like a cone.  Whereas, if you have etendue in a bigger light source, it's not going to come to a point on the cone, it's going to have light emitting from different things. Etendue is a concept that tries to quantify the distinction between what would be a point source and a larger source and how the light is shaped and what implications that has on collimating light and things like that. So it is a concept.  THE COURT: You had that word in one of your slides, right, etendue?  MR. PIVOVAR: It's in the patent. That's how they describe it.	2 3 4 5 6 7 8 9 10 11 12 13 14	THE COURT: is the slide that you had where you used the word "etendue," was that taken from the patent?  MR. PIVOVAR: I believe what I did was I put up a part of the file history of '412 patent. So it's not a slide I have. I used that as a depiction and in that, when I read it, it referred to etendue. It did.  I don't believe the specification certainly says that. I just want to be clear that I think what you may be referring to was when I was reading from the file history on an actual physical document.  MR. DENNHARDT: Judge, if I recall, I believe it was from the file history of a patent that is not asserted in this case.
2 3 4 5 6 7 8 9 10 11 12 13 14 15	a point source and it's going to have all these rays of light that are emanating from a single point. It's going to come out like a cone.  Whereas, if you have etendue in a bigger light source, it's not going to come to a point on the cone, it's going to have light emitting from different things. Etendue is a concept that tries to quantify the distinction between what would be a point source and a larger source and how the light is shaped and what implications that has on collimating light and things like that. So it is a concept.  THE COURT: You had that word in one of your slides, right, etendue?  MR. PIVOVAR: It's in the patent. That's how they describe it.  THE COURT: Well, I just want to know, when	2 3 4 5 6 7 8 9 10 11 12 13 14 15	THE COURT: is the slide that you had where you used the word "etendue," was that taken from the patent?  MR. PIVOVAR: I believe what I did was I put up a part of the file history of '412 patent. So it's not a slide I have. I used that as a depiction and in that, when I read it, it referred to etendue. It did.  I don't believe the specification certainly says that. I just want to be clear that I think what you may be referring to was when I was reading from the file history on an actual physical document.  MR. DENNHARDT: Judge, if I recall, I believe it was from the file history of a patent that is not asserted in this case.  THE COURT: Right.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	a point source and it's going to have all these rays of light that are emanating from a single point. It's going to come out like a cone.  Whereas, if you have etendue in a bigger light source, it's not going to come to a point on the cone, it's going to have light emitting from different things. Etendue is a concept that tries to quantify the distinction between what would be a point source and a larger source and how the light is shaped and what implications that has on collimating light and things like that. So it is a concept.  THE COURT: You had that word in one of your slides, right, etendue?  MR. PIVOVAR: It's in the patent. That's how they describe it.  THE COURT: Well, I just want to know, when you have it in your slide, is that from Column 44 of the	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	THE COURT: is the slide that you had where you used the word "etendue," was that taken from the patent?  MR. PIVOVAR: I believe what I did was I put up a part of the file history of '412 patent. So it's not a slide I have. I used that as a depiction and in that, when I read it, it referred to etendue. It did.  I don't believe the specification certainly says that. I just want to be clear that I think what you may be referring to was when I was reading from the file history on an actual physical document.  MR. DENNHARDT: Judge, if I recall, I believe it was from the file history of a patent that is not asserted in this case.  THE COURT: Right.  MR. PIVOVAR: But it's a concept, and we would
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	a point source and it's going to have all these rays of light that are emanating from a single point. It's going to come out like a cone.  Whereas, if you have etendue in a bigger light source, it's not going to come to a point on the cone, it's going to have light emitting from different things. Etendue is a concept that tries to quantify the distinction between what would be a point source and a larger source and how the light is shaped and what implications that has on collimating light and things like that. So it is a concept.  THE COURT: You had that word in one of your slides, right, etendue?  MR. PIVOVAR: It's in the patent. That's how they describe it.  THE COURT: Well, I just want to know, when you have it in your slide, is that from Column 44 of the patent or is that from something else?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	THE COURT: is the slide that you had where you used the word "etendue," was that taken from the patent?  MR. PIVOVAR: I believe what I did was I put up a part of the file history of '412 patent. So it's not a slide I have. I used that as a depiction and in that, when I read it, it referred to etendue. It did.  I don't believe the specification certainly says that. I just want to be clear that I think what you may be referring to was when I was reading from the file history on an actual physical document.  MR. DENNHARDT: Judge, if I recall, I believe it was from the file history of a patent that is not asserted in this case.  THE COURT: Right.  MR. PIVOVAR: But it's a concept, and we would agree that experts would get into that. But it's sort of
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	a point source and it's going to have all these rays of light that are emanating from a single point. It's going to come out like a cone.  Whereas, if you have etendue in a bigger light source, it's not going to come to a point on the cone, it's going to have light emitting from different things. Etendue is a concept that tries to quantify the distinction between what would be a point source and a larger source and how the light is shaped and what implications that has on collimating light and things like that. So it is a concept.  THE COURT: You had that word in one of your slides, right, etendue?  MR. PIVOVAR: It's in the patent. That's how they describe it.  THE COURT: Well, I just want to know, when you have it in your slide, is that from Column 44 of the patent or is that from something else?  In other words, is it from another source or	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	THE COURT: is the slide that you had where you used the word "etendue," was that taken from the patent?  MR. PIVOVAR: I believe what I did was I put up a part of the file history of '412 patent. So it's not a slide I have. I used that as a depiction and in that, when I read it, it referred to etendue. It did.  I don't believe the specification certainly says that. I just want to be clear that I think what you may be referring to was when I was reading from the file history on an actual physical document.  MR. DENNHARDT: Judge, if I recall, I believe it was from the file history of a patent that is not asserted in this case.  THE COURT: Right.  MR. PIVOVAR: But it's a concept, and we would agree that experts would get into that. But it's sort of a proxy for saying I have an extended light source. I
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	a point source and it's going to have all these rays of light that are emanating from a single point. It's going to come out like a cone.  Whereas, if you have etendue in a bigger light source, it's not going to come to a point on the cone, it's going to have light emitting from different things. Etendue is a concept that tries to quantify the distinction between what would be a point source and a larger source and how the light is shaped and what implications that has on collimating light and things like that. So it is a concept.  THE COURT: You had that word in one of your slides, right, etendue?  MR. PIVOVAR: It's in the patent. That's how they describe it.  THE COURT: Well, I just want to know, when you have it in your slide, is that from Column 44 of the patent or is that from something else?  In other words, is it from another source or is it from the written description of the patent?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	THE COURT: is the slide that you had where you used the word "etendue," was that taken from the patent?  MR. PIVOVAR: I believe what I did was I put up a part of the file history of '412 patent. So it's not a slide I have. I used that as a depiction and in that, when I read it, it referred to etendue. It did.  I don't believe the specification certainly says that. I just want to be clear that I think what you may be referring to was when I was reading from the file history on an actual physical document.  MR. DENNHARDT: Judge, if I recall, I believe it was from the file history of a patent that is not asserted in this case.  THE COURT: Right.  MR. PIVOVAR: But it's a concept, and we would agree that experts would get into that. But it's sort of a proxy for saying I have an extended light source. I have, like I have a big light source. It's not a
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	a point source and it's going to have all these rays of light that are emanating from a single point. It's going to come out like a cone.  Whereas, if you have etendue in a bigger light source, it's not going to come to a point on the cone, it's going to have light emitting from different things. Etendue is a concept that tries to quantify the distinction between what would be a point source and a larger source and how the light is shaped and what implications that has on collimating light and things like that. So it is a concept.  THE COURT: You had that word in one of your slides, right, etendue?  MR. PIVOVAR: It's in the patent. That's how they describe it.  THE COURT: Well, I just want to know, when you have it in your slide, is that from Column 44 of the patent or is that from something else?  In other words, is it from another source or is it from the written description of the patent?  MR. PIVOVAR: It's certainly in the written	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	THE COURT: is the slide that you had where you used the word "etendue," was that taken from the patent?  MR. PIVOVAR: I believe what I did was I put up a part of the file history of '412 patent. So it's not a slide I have. I used that as a depiction and in that, when I read it, it referred to etendue. It did.  I don't believe the specification certainly says that. I just want to be clear that I think what you may be referring to was when I was reading from the file history on an actual physical document.  MR. DENNHARDT: Judge, if I recall, I believe it was from the file history of a patent that is not asserted in this case.  THE COURT: Right.  MR. PIVOVAR: But it's a concept, and we would agree that experts would get into that. But it's sort of a proxy for saying I have an extended light source. I have, like I have a big light source. It's not a point source. That's going to complicate things. We
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	a point source and it's going to have all these rays of light that are emanating from a single point. It's going to come out like a cone.  Whereas, if you have etendue in a bigger light source, it's not going to come to a point on the cone, it's going to have light emitting from different things. Etendue is a concept that tries to quantify the distinction between what would be a point source and a larger source and how the light is shaped and what implications that has on collimating light and things like that. So it is a concept.  THE COURT: You had that word in one of your slides, right, etendue?  MR. PIVOVAR: It's in the patent. That's how they describe it.  THE COURT: Well, I just want to know, when you have it in your slide, is that from Column 44 of the patent or is that from something else?  In other words, is it from another source or is it from the written description of the patent?  MR. PIVOVAR: It's certainly in the written description of the patent.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	THE COURT: is the slide that you had where you used the word "etendue," was that taken from the patent?  MR. PIVOVAR: I believe what I did was I put up a part of the file history of '412 patent. So it's not a slide I have. I used that as a depiction and in that, when I read it, it referred to etendue. It did.  I don't believe the specification certainly says that. I just want to be clear that I think what you may be referring to was when I was reading from the file history on an actual physical document.  MR. DENNHARDT: Judge, if I recall, I believe it was from the file history of a patent that is not asserted in this case.  THE COURT: Right.  MR. PIVOVAR: But it's a concept, and we would agree that experts would get into that. But it's sort of a proxy for saying I have an extended light source. I have, like I have a big light source. It's not a point source. That's going to complicate things. We have to adjust for that.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	a point source and it's going to have all these rays of light that are emanating from a single point. It's going to come out like a cone.  Whereas, if you have etendue in a bigger light source, it's not going to come to a point on the cone, it's going to have light emitting from different things. Etendue is a concept that tries to quantify the distinction between what would be a point source and a larger source and how the light is shaped and what implications that has on collimating light and things like that. So it is a concept.  THE COURT: You had that word in one of your slides, right, etendue?  MR. PIVOVAR: It's in the patent. That's how they describe it.  THE COURT: Well, I just want to know, when you have it in your slide, is that from Column 44 of the patent or is that from something else?  In other words, is it from another source or is it from the written description of the patent?  MR. PIVOVAR: It's certainly in the written description of the patent.  THE COURT: I know it is. In your slide, when	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	THE COURT: is the slide that you had where you used the word "etendue," was that taken from the patent?  MR. PIVOVAR: I believe what I did was I put up a part of the file history of '412 patent. So it's not a slide I have. I used that as a depiction and in that, when I read it, it referred to etendue. It did.  I don't believe the specification certainly says that. I just want to be clear that I think what you may be referring to was when I was reading from the file history on an actual physical document.  MR. DENNHARDT: Judge, if I recall, I believe it was from the file history of a patent that is not asserted in this case.  THE COURT: Right.  MR. PIVOVAR: But it's a concept, and we would agree that experts would get into that. But it's sort of a proxy for saying I have an extended light source. I have, like I have a big light source. It's not a point source. That's going to complicate things. We have to adjust for that.  THE COURT: Do you agree that there's such a
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	a point source and it's going to have all these rays of light that are emanating from a single point. It's going to come out like a cone.  Whereas, if you have etendue in a bigger light source, it's not going to come to a point on the cone, it's going to have light emitting from different things. Etendue is a concept that tries to quantify the distinction between what would be a point source and a larger source and how the light is shaped and what implications that has on collimating light and things like that. So it is a concept.  THE COURT: You had that word in one of your slides, right, etendue?  MR. PIVOVAR: It's in the patent. That's how they describe it.  THE COURT: Well, I just want to know, when you have it in your slide, is that from Column 44 of the patent or is that from something else?  In other words, is it from another source or is it from the written description of the patent?  MR. PIVOVAR: It's certainly in the written description of the patent.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	THE COURT: is the slide that you had where you used the word "etendue," was that taken from the patent?  MR. PIVOVAR: I believe what I did was I put up a part of the file history of '412 patent. So it's not a slide I have. I used that as a depiction and in that, when I read it, it referred to etendue. It did.  I don't believe the specification certainly says that. I just want to be clear that I think what you may be referring to was when I was reading from the file history on an actual physical document.  MR. DENNHARDT: Judge, if I recall, I believe it was from the file history of a patent that is not asserted in this case.  THE COURT: Right.  MR. PIVOVAR: But it's a concept, and we would agree that experts would get into that. But it's sort of a proxy for saying I have an extended light source. I have, like I have a big light source. It's not a point source. That's going to complicate things. We have to adjust for that.

Case 1:24-cv-00945-CFC-EGT Filed 10/24/25 Page 34 of 50 PageID Document 192-1 #: 13465 129 that, but that doesn't mean it doesn't exist, Your Honor. 1 THE COURT: His point, I think, is that it's THE COURT: But you know what a divergence 2 inconsistent with prior statements made in the file angle is? 3 history, and they are very self-serving. That's what MR. PIVOVAR: Yes. I mean, that's in our 4 happens in these file histories. slides and part of our proposed construction, how we 5 As you get later patents, you try to get mapped it out. 6 later patents on an earlier written description. To be MR. DENNHARDT: Judge, I do just want to note 7 quite candid, I see it all the time. There's that this notion that there can be no convergence is not 8 manipulation. And I think it really calls into question something that -- excuse me -- is not something that is 9 how much you can rely on the subsequent file history. 10 supported by the references. And the notion that a I think if the subsequent file history is collimated beam can have some convergence or divergence 11 inconsistent with earlier statements, it's telling. 12 MR. DENNHARDT: Judge, I don't -- first of is not something that we made up. I know, Judge, that you are less interested 13 all. I don't think that we're talking about a long in the extrinsic evidence, but this is from the Fiber 14 variance here. I think that the portion of the file Optics Standard Dictionary. This is their reference. 15 history that we're talking about here comes just a few It says, "Collimation has minimum possible ray 16 months after the version that they like. Right? divergence or convergence." 17 So it's not like this was something that was So the notion that a person of skill in the 18 prosecuted ten years ago, and then ten years later, we art would believe that collimation precludes any 19 said, oh, and by the way, it's limited convergence or convergence is inconsistent with the Fiber Optics divergence. It was within a very short period of 20 Standard Dictionary that Cytek, itself, cites for you. 21 months. So this is not an idea that we created. I 22 The second point that I would make is it's know that my friend on the other side doesn't like this 23 not inconsistent. I started, again, from the outset portion of the file history, but it's true. And it's 24 that collimation and focusing are two different things, and we don't dispute that. Right? And that's what that supported by both intrinsic and extrinsic evidence. 2.5 131 portion, I think, that he has --1 result here is where you started initially, which is, I THE COURT: They seem to be saying that they 2 think this is going to be a battle of the experts as to would have an expert who would say absolutely when optics 3 what amount of convergence, if any, or divergence, if experts are talking about collimation, they would say you 4 any, is acceptable. can't get perfect parallel waves. 5 And the right way to approach this is, don't Is it waves? Is that the right word? 6 construe the term. Allow the experts to battle it out 7 at trial. Again, we'll ask them, "Well, tell us why the MR. DENNHARDT: Rays. THE COURT: Rays. Sorry. Fiber Optics Standard Dictionary says you can have some 8 9 convergence." You can't get them perfect, consistent with what was discussed with the Patent Office, right, in 10 Right, the standard dictionary says you can these patents. 11 have some convergence. But you, expert, saying that we And there will be some divergence. But it 12 don't infringe, says, oh, actually we think it can't. 13 And we'll have that battle at trial. sounds like their expert is going to say, but no one would agree that there's going to be convergence. THE COURT: But I do not find satisfactory the 14 15 nearly parallel language that you have in there. I think MR. DENNHARDT: And, Judge, if that's what it's -their expert wants to say, we would love to cross him 16 with the Fiber Optics Standard Dictionary. 17 MR. DENNHARDT: Understood, Judge. And I THE COURT: That's what strikes me. The word 18 would just, again, point back to the file -- excuse me --"divergence" is used. "Divergence angle" is used in the 19 the written description that says "substantially the same patent. "Convergence" is not used. Actually, hold on 20 diameter."

21

22

23

24

25

It doesn't limit it to convergence or

talk about substantially. Why can you do that? Because

And there are numerous cases that say you can

divergence. It just says "substantially the same."

a person of skill knows how much substantially is

1

2

3

4

5

6

7

9

10

11

12

13

14

15

16

17

18

19

20

21

22 23

24

25

1

2

3

1

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

one second.

"Converge" is used once in the patent, but

MR. DENNHARDT: Judge, I think the right

does not appear to be, its usage, to be in any way

helpful to construing this term.

Filed 10/24/25 Page 35 of 50 PageID Case 1:24-cv-00945-CFC-EGT Document 192-1 #: 13466 133 1 appropriate. 1 ordinary meaning. And both sides agreed, before the 2 And that includes in connection with 2 case went to the jury, that we didn't need claim 3 substantially parallel in a Delaware case decided by 3 construction. So that could happen here. 4 Judge Andrews in which he said "substantially parallel 4 Let me say a couple things. I mean, I am 5 is not indefinite because a person of ordinary skill 5 very sympathetic to the defendant. And I think it's would know what 'substantially parallel' means," and 6 6 undisputed, first of all, that, one, you cannot achieve, 7 that's exactly the case here. 7 at least in practice, if not even possibly in this 8 THE COURT: All right. Hold on a second. 8 world, absolute parallel rays. And yet, it's also 9 Okay. Thank you. 9 undisputed that "collimating" is a concept that's 10 10 MR. DENNHARDT: Thank you, Judge. understood by the experts in this field. 11 THE COURT: All right. I'm not going to 11 I think it's undisputed that there can be 12 12 construe this term. I'm going to give it its plain and some divergence in rays that are recognized as 13 ordinary meaning. 13 collimated. Very much disputed whether you could have 14 I do think it raises, though, serious 14 convergent angles in a collimated beam. 15 concerns about indefiniteness. I also think there may 15 The patent, in various instances, discusses 16 reach a point where I would have to construe it, but I 16 substantial or substantially collimated beams. If you 17 could only do so after hearing expert testimony. 17 look at, for instance, Column 2, 26 through 29, the 18 So we'll go to trial, and I will do what I 18 lines of Column 2, they discuss a device capable of 19 19 collimating a light beam from an extended light source did last week, or two weeks ago in a patent trial, they over an extended distance without significantly 20 all go together, where I left it to construe it at 20 21 trial. Both sides had some risk when they went to 21 expanding the beam diameter. 22 So consistent with there can be a divergent 22 trial. 23 In that case, turns out I didn't have to 23 angle, that sentence seems to me to suggest that you can 24 construe it because of the way the expert testimony came 24 have a collimated beam with some divergence. But it's 25 in, and we let the jury decide, based on plain and 25 without significant divergence. And then that begs, you 135 136 1 know, the question is, is it possible to have any really 1 And, essentially, the difference is between 2 definite sense of what this patent is claiming. 2 whether the optical element term has a well-understood 3 And then in the claims, but I put less stock 3 meaning in the art or whether it should be construed as 4 in the claims on this, there is discussion about 4 means -- means-plus-function. And then they contend if 5 substantially the same diameter. I find it more 5 it is means-plus-function, then there's no appropriate probative, the written description citation I just gave. 6 6 construction. And it's indefinite. 7 7 But I don't think I have to go further on that because I So, really, when we're talking about sort of whether it's means-plus-function term or not, in the think it's pretty much undisputed about divergence. 8 8 9 And I just think that it's likely this will 9 context of this claim, there's really, Your Honor, two boil down to a question of degree that the experts will 10 10 issues. The first is whether optical element is a 11 have differing viewpoints on; i.e, what degree of 11 structural term. The second is whether that structure divergence and, perhaps, convergence could be accepted 12 12 performs the function. So we're going to take those in pieces, Your 13 and still have a collimated beam. 13 So I am just going to give it its plain and 14 Honor, if you don't mind. So we'll start with the 14 15 15 ordinary meaning. I'm not going to construe it, and claims. 16 we'll have a battle of the experts. 16 As I said, "optical element" is situated in 17 All right. Next? 17 this claim as "optical element configured to detect," 18 You are going to have to pick it up. 18 but there are other terms, Your Honor, where optical 19 MR. KHAN: Thank you, Your Honor. So based on 19 element is used differently. 20 20 the parties' discussions, next term will be "optical So, in other terms, there's a collimating 21 element." 21 optical element that's coming later in our discussion as 22 THE COURT: Okay. 22 a later-to-be-construed term. Collecting optical MR. KHAN: And so on this one, Your Honor, the 23 23 element, focusing optical element. 24 term is "optical element." It is situated within a 24 But here, we're talking about an optical larger term. Optical element configured to detect. 25 element configured to detect. If the Court were to find 25

Case 1:24-cv-00945-CFC-EGT Document 192-1 Filed 10/24/25 Page 36 of 50 PageID #: 13467 that optical element is a structural term that confers 1 light source," unquote. structure, that would have consequences for all of the 2 Where is the structure there in that claim? terms 3 MR. KHAN: Right. And so first we start with If the Court were to find that optical 4 the presumption. It is not -element is not a structural term, then we would have to 5 THE COURT: You're going back. I'm already on deal with each term on its own. the law. Come on. We know what the law is. Let's get 6 THE COURT: Right. Which I am inclined to do. 7 to sufficient structure --So what I need you to do to help me out, what 8 MR. KHAN: So here is the structure -concerns me, or rather why I am inclined to say it's a 9 THE COURT: Time out. Time out. Because we means-plus-function, is because I'm not sure I see 10 are short on time. And I'm being generous with time. sufficient structure in the patent claims. 11 The question is, and I think you already 12 agreed to this, you have to show that there's sufficient And you would agree as a matter of law, right. I must start with, there must be sufficient 13 structure in the claim. structure in the claims. Correct? 14 MR. KHAN: Yes. MR. KHAN: Correct. 15 THE COURT: If it's not going to be THE COURT: Okay. So let's quickly go, where 16 means-plus-function. Correct? in the claims is there sufficient structure? 17 MR. KHAN: Correct. THE COURT: Okay. Let's go to that. You just MR. KHAN: Right. So the structure in this 18 19 claim is the optical element term. had the language up. THE COURT: Right. Now, you're referring 20 MR. KHAN: Right. right now to Claim 13 of the '443 patent, correct? 21 THE COURT: Where is the structure? MR. KHAN: Correct. 22 MR. KHAN: The words in the claim were THE COURT: And it reads, quote, "An optical 23 "optical element," and here, Your Honor, widely element configured to detect scattered light emitted by 24 understood, just like we talked about how the word the particle in the flow channel and illuminated by a 2.5 "collimate" and "collimation," two experts could have an 139 140 understanding of what that means, "optical element" is 1 light and, as understood widely in the glossary of defined in dictionaries, treatises. We cited at least a 2 optical terms, Your Honor, in the Fiber Optic Standard half dozen dictionaries and treatises where "optical 3 Dictionary, these are definitions of the term to element" is a well-understood structural term. 1 understand that it's a class of structures. Just like the Federal Circuit said, with 5 And it's a class of structures that's going respect to fasteners. And in that case, Your Honor, 6 to have -- just like fastener, it's going to have 7 fasteners, the Federal Circuit said, you know what's a various -- a class of structures. And the -- but it's fastener? A rivet, a button, Velcro. Lots of different defined in the dictionary, in the treatises in exactly 8 classes of structures. And here, "optical element" is a 9 the way that you would expect, just like fastener, just like all the other Federal Circuit cases that we've well-understood structural term that says, basically, I 10 know what I'm talking about. 11 aiven vou. In each instance, it's a component that's 12 THE COURT: All right. Now, bottom line, acting upon light. And the -- and the specification really what the real term here is element. Its element 13 confirms that. It basically says, hey, here's an in the field of optics. That's really what the structure 14 15 optical element. It could be a lens. Just like the is, right? definitions that the experts would understand. It could 16 MR. KHAN: No, Your Honor. We would -- it's be a concave mirror, just like -- as in the experts' 17 optical element. An optical element is an understood definitions can understand. And then there are other 18 structural term. And there are cases that talk about how aspects, like prisms that are described in the 19 element is not always a nonce term if it's a specification. 20 well-understood structural term. 21 So there's cases talking about article THE COURT: So it could be anything having to 22 feeder -- feeder element. Even in Delaware, Your Honor, do with optics. This has got to be any kind of structure 23 there's -- there are -- by the way, there are other having to do with optics, right? 24 cases, including one in Delaware, that says optical

25

element means an element that refracts -- refracts,

1

2

3

4

6

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22 23

24

25

1

2

3

1

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

MR. KHAN: It's a structure that acts upon

Case 1:24-cv-00945-CFC-EGT Filed 10/24/25 Page 37 of 50 PageID Document 192-1 #: 13468 141 1 deflects, diverts or focuses light beams. 1 MR. KHAN: Not ones that are at issue before 2 Another Delaware case, Your Honor, the 2 you. That's correct, yeah. 3 physical structure, namely one or more optical elements 3 THE COURT: Okay. Right. 4 or lenses 4 So, in other words, what I'm getting at is, 5  $\ensuremath{\mathbf{THE}}$   $\ensuremath{\mathbf{COURT}}\colon$  All right. I'm just going to 5 there's nothing in any of the language, it's not in your 6 rule. Do you have anything else, any other structure you 6 brief, but I thought maybe there's a lot of stuff coming 7 want to point to? 7 up in this hearing that wasn't in the briefing. So I'm MR. KHAN: In the claims, Your Honor, in that 8 8 thinking, well, maybe there's something else you want to claim, it's optical element. 9 9 rely on. 10 THE COURT: Okay. That's not sufficient. I 10 But just to be clear, the structure in the can explain why. You want to say anything else? 11 claims you're pointing to are the words "optical 11 12 12 MR. KHAN: Would you like me to address the element," unquote. 13 means-plus-function, corresponding structure, or --13 MR. KHAN: Correct, Your Honor. 14 THE COURT: Well, you want to finish the other 14 THE COURT: Okay. So I don't think that 15 claims? Because, right, you have to have sufficient 15 that's sufficient structure. I think element is a nonce 16 structure in the claims. We've agreed on that. 16 word, and when I read the claims, it's very clear to me 17 MR. KHAN: Correct. 17 element is being used as a generic nonce word that, basically, it operates as a substitute for means, it does 18 THE COURT: For Claim 13, you have, the only 18 19 structure you point to is the optical element. 19 not connote structure. 20 Is there any other structure in any of the 20 And while I think you could make that 21 other claims besides optical element you want to point 21 determination solely from the intrinsic evidence, I 22 think the defendant has offered a persuasive affidavit 22 23 MR. KHAN: In these claims, no, Your Honor. 23 that demonstrates that optical element does not connote 24 THE COURT: When you say "these claims," are 24 a class of structures. 25 there other claims? 2.5 I think, bottom line, is that it essentially 143 144 1 means, I believe, Mr. Khan, with all due respect, I microscope objective provides into an optical fiber for 2 think if you read back what you said, it's effectively a 2 transmission into WDM." 3 structure used within optics. And it can refer to, it 3 THE COURT: I didn't hear you. What? 1 sounds like, almost any device used within optics. 4 MR. KHAN: "The composite microscope objective 5 And what the key here is that the language of 5 is the corresponding structure." 6 the claims makes clear that it's functional because 6 And I skipped over a number of slides, but 7 7 what's being claimed is an optical element configured to  $\ensuremath{\text{I'm}}$  going to go back to them because -- sorry -- because the issue here, Your Honor, is what does the word 8 do something, to perform a function. And there's no 8 9 9 "detect." mean? other structure in the applicable claims besides optical 10 element that reveals what that structure would be. 10 And, essentially, if the word "detect" means 11 So I think the presumption against 11 what they say it means, which is to say that an optical -- that the structure has to be something that converts 12 means-plus-function is overcome, and I think it's easily 12 13 overcome. So if you want to talk about corresponding 13 into an electrical light into a signal, like an electrical signal, right? That's what they're saying. 14 structure, we should do that. 14 15 The detect -- that's not what detect means in 15 MR. KHAN: Let's do that. So, your Honor, if we go to the corresponding the art. "Detect," in the art, just means to find or 16 16 17 structure. So for the corresponding structure, on 17 discover something, to determine the presence. And 18 this -- on Claim 13, 17, and 18 of the '443 patent. So 18 that's exactly what the cases say, which is that the 19 the issue is whether the function is detects scattered 19 claimed function of displaying information could be 20 light emitted by the particle and flow channel 20 implemented using off-the-shelf code." 21 illuminated by a source. 21 THE REPORTER: Can you speak up. 22 22 And so the corresponding structure in the MR. KHAN: Sorry. 23 specification that is directly linked to those functions 23 So -- and then we've given you two cases, 24 is the composite microscope objective. And, here, 24 Your Honor, the Intel case and Tech Licenses cases.

25

the -- here's an example where it says "The composite

Here is the Federal Circuit saying that the

25

	Case 1:24-cv-00945-CFC-EGT	192-1 13469	Filed 10/24/25 Page 38 of 50 PageID
1	specification doesn't have to tell you how to modify the	1	THE COURT: Because I agree. That is what
2	structure or how to configure the structure to perform	2	this dispute boils down to, it's really what does
3	the function. You just need the corresponding structure	3	"detect" mean, right?
4	to be linked to the function. You just need to recite	4	MR. KHAN: Yes.
5	some structure.	5	THE COURT: Okay. Hold on.
6	And here, the here's the linking statement	6	Their argument is that the objective that's
7	in the specification, Your Honor. "The composite	7	disclosed is collecting, right, gathering an imaging?
8	microscope includes a concave mirror and aberration	8	MR. KHAN: Right.
9	corrector plate. This allows a contact buildup and the	9	THE COURT: Right? That's what they're
10	illumination and detection of light scattered from and	10	pointing to?
11	fluoresced by the object in the viewing zone may be	11	MR. KHAN: Exactly.
12	conducted from the same side of the microscope	12	THE COURT: Now, but you're pointing to the
13	objective."	13	language here that
14	This is exactly what the claims is talking	14	MR. KHAN: We would say, Your Honor, that the
15	about. This is the function and it's being described as	15	specification directly relates and links the microscope
16	being done by the microscope objective.	16	objective to detection.
17	So this is exactly what the cases are talking	17	THE COURT: Okay.
18	about. And I think at the end of the day, what the real	18	MR. KHAN: Not just gathering, collecting, and
19	dispute is about what does "detect" mean. Because if	19	imaging. Directly relates it to the detection of the
20	we're right on what detect means, Your Honor, then	20	light.
21	there's no dispute that this would be a corresponding	21	And they are going to point you to some
22	structure in the specification. And that's why I was	22	passages much later in the specification that also talk
23	focusing on that so much.	23	about other detecters, but this passage is focused on
24	THE COURT: Can you stop there for a second?	24	the microscope objective. And the microscope objective
25	MR. KHAN: Yes.	25	is described as performing the function of detection of
	147		148
1	147	1	THE COURT: I mean, it seems to address
1 2	light.	1 2	THE COURT: I mean, it seems to address detection. No?
1 2 3			THE COURT: I mean, it seems to address
2	light.  So it's not just gathering, collecting, and	2	THE COURT: I mean, it seems to address detection. No?  MR. CHEN: It does not, Your Honor. And,
2	light.  So it's not just gathering, collecting,	2	THE COURT: I mean, it seems to address detection. No?  MR. CHEN: It does not, Your Honor. And, actually, I'm glad we can start right here.
2 3 4	light.  So it's not just gathering, collecting, and  THE COURT: Is there anything else besides	2 3 4	THE COURT: I mean, it seems to address detection. No?  MR. CHEN: It does not, Your Honor. And,
2 3 4 5	light.  So it's not just gathering, collecting, and  THE COURT: Is there anything else besides Hold on a second.	2 3 4 5	THE COURT: I mean, it seems to address detection. No?  MR. CHEN: It does not, Your Honor. And, actually, I'm glad we can start right here.  So let's actually go to our slides, please.
2 3 4 5	light.  So it's not just gathering, collecting, and  THE COURT: Is there anything else besides Hold on a second.  MR. KHAN: There is more in the specification.	2 3 4 5 6	THE COURT: I mean, it seems to address detection. No?  MR. CHEN: It does not, Your Honor. And, actually, I'm glad we can start right here.  So let's actually go to our slides, please. Seventy-five, please.
2 3 4 5 6 7	light.  So it's not just gathering, collecting, and  THE COURT: Is there anything else besides Hold on a second.  MR. KHAN: There is more in the specification. THE COURT: Just hold on. Just give me a	2 3 4 5 6 7	THE COURT: I mean, it seems to address  detection. No?  MR. CHEN: It does not, Your Honor. And,  actually, I'm glad we can start right here.  So let's actually go to our slides, please.  Seventy-five, please.  So this is on Page 70 of the claim
2 3 4 5 6 7 8	light. So it's not just gathering, collecting, and THE COURT: Is there anything else besides Hold on a second. MR. KHAN: There is more in the specification. THE COURT: Just hold on. Just give me a second.	2 3 4 5 6 7 8	THE COURT: I mean, it seems to address  detection. No?  MR. CHEN: It does not, Your Honor. And,  actually, I'm glad we can start right here.  So let's actually go to our slides, please.  Seventy-five, please.  So this is on Page 70 of the claim  construction brief. And this is what BEC points to.
2 3 4 5 6 7 8	light.  So it's not just gathering, collecting,  and  THE COURT: Is there anything else besides  Hold on a second.  MR. KHAN: There is more in the specification.  THE COURT: Just hold on. Just give me a  second.  MR. KHAN: Yes, Your Honor.	2 3 4 5 6 7 8	THE COURT: I mean, it seems to address  detection. No?  MR. CHEN: It does not, Your Honor. And,  actually, I'm glad we can start right here.  So let's actually go to our slides, please.  Seventy-five, please.  So this is on Page 70 of the claim  construction brief. And this is what BEC points to.  They say in their brief that the
2 3 4 5 6 7 8 9	light.  So it's not just gathering, collecting,  and  THE COURT: Is there anything else besides  Hold on a second.  MR. KHAN: There is more in the specification.  THE COURT: Just hold on. Just give me a  second.  MR. KHAN: Yes, Your Honor.  THE COURT: Is that in your brief?	2 3 4 5 6 7 8 9	THE COURT: I mean, it seems to address  detection. No?  MR. CHEN: It does not, Your Honor. And,  actually, I'm glad we can start right here.  So let's actually go to our slides, please.  Seventy-five, please.  So this is on Page 70 of the claim  construction brief. And this is what BEC points to.  They say in their brief that the  specification explains that an objective, an optical
2 3 4 5 6 7 8 9 10	light.  So it's not just gathering, collecting, and  THE COURT: Is there anything else besides Hold on a second.  MR. KHAN: There is more in the specification. THE COURT: Just hold on. Just give me a  second.  MR. KHAN: Yes, Your Honor. THE COURT: Is that in your brief? MR. KHAN: It is, Your Honor.	2 3 4 5 6 7 8 9 10	THE COURT: I mean, it seems to address  detection. No?  MR. CHEN: It does not, Your Honor. And,  actually, I'm glad we can start right here.  So let's actually go to our slides, please.  Seventy-five, please.  So this is on Page 70 of the claim  construction brief. And this is what BEC points to.  They say in their brief that the  specification explains that an objective, an optical  element, gathers and images light and that detection of
2 3 4 5 6 7 8 9 10 11 12	light. So it's not just gathering, collecting, and  THE COURT: Is there anything else besides Hold on a second.  MR. KHAN: There is more in the specification. THE COURT: Just hold on. Just give me a  second.  MR. KHAN: Yes, Your Honor. THE COURT: Is that in your brief? MR. KHAN: It is, Your Honor. THE COURT: Where?	2 3 4 5 6 7 8 9 10 11 12	THE COURT: I mean, it seems to address  detection. No?  MR. CHEN: It does not, Your Honor. And,  actually, I'm glad we can start right here.  So let's actually go to our slides, please.  Seventy-five, please.  So this is on Page 70 of the claim  construction brief. And this is what BEC points to.  They say in their brief that the  specification explains that an objective, an optical  element, gathers and images light and that detection of  that light may be conducted from the side of the
2 3 4 5 6 7 8 9 10 11 12 13	light.  So it's not just gathering, collecting, and  THE COURT: Is there anything else besides Hold on a second.  MR. KHAN: There is more in the specification. THE COURT: Just hold on. Just give me a  second.  MR. KHAN: Yes, Your Honor. THE COURT: Is that in your brief? MR. KHAN: It is, Your Honor. THE COURT: Where? I'm looking at Page 70, 71. MR. KHAN: It's, for example, at Page 56.	2 3 4 5 6 7 8 9 10 11 12	THE COURT: I mean, it seems to address  detection. No?  MR. CHEN: It does not, Your Honor. And,  actually, I'm glad we can start right here.  So let's actually go to our slides, please.  Seventy-five, please.  So this is on Page 70 of the claim  construction brief. And this is what BEC points to.  They say in their brief that the  specification explains that an objective, an optical element, gathers and images light and that detection of that light may be conducted from the side of the microscope objective.  That's what they included in their brief,
2 3 4 5 6 7 8 9 10 11 12 13	light. So it's not just gathering, collecting, and  THE COURT: Is there anything else besides Hold on a second.  MR. KHAN: There is more in the specification. THE COURT: Just hold on. Just give me a  second.  MR. KHAN: Yes, Your Honor. THE COURT: Is that in your brief? MR. KHAN: It is, Your Honor. THE COURT: Where? I'm looking at Page 70, 71.	2 3 4 5 6 7 8 9 10 11 12 13	THE COURT: I mean, it seems to address  detection. No?  MR. CHEN: It does not, Your Honor. And,  actually, I'm glad we can start right here.  So let's actually go to our slides, please.  Seventy-five, please.  So this is on Page 70 of the claim  construction brief. And this is what BEC points to.  They say in their brief that the  specification explains that an objective, an optical element, gathers and images light and that detection of that light may be conducted from the side of the microscope objective.
2 3 4 5 6 7 8 9 10 11 12 13 14	light.  So it's not just gathering, collecting, and  THE COURT: Is there anything else besides Hold on a second.  MR. KHAN: There is more in the specification.  THE COURT: Just hold on. Just give me a  second.  MR. KHAN: Yes, Your Honor.  THE COURT: Is that in your brief?  MR. KHAN: It is, Your Honor.  THE COURT: Where?  I'm looking at Page 70, 71.  MR. KHAN: It's, for example, at Page 56.  THE COURT: Fifty-six?	2 3 4 5 6 7 8 9 10 11 12 13 14	THE COURT: I mean, it seems to address  detection. No?  MR. CHEN: It does not, Your Honor. And,  actually, I'm glad we can start right here.  So let's actually go to our slides, please.  Seventy-five, please.  So this is on Page 70 of the claim  construction brief. And this is what BEC points to.  They say in their brief that the  specification explains that an objective, an optical  element, gathers and images light and that detection of  that light may be conducted from the side of the  microscope objective.  That's what they included in their brief,  Your Honor. That's misleading. They left out a key
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	light.  So it's not just gathering, collecting, and  THE COURT: Is there anything else besides Hold on a second.  MR. KHAN: There is more in the specification. THE COURT: Just hold on. Just give me a  second.  MR. KHAN: Yes, Your Honor. THE COURT: Is that in your brief? MR. KHAN: It is, Your Honor. THE COURT: Where? I'm looking at Page 70, 71. MR. KHAN: It's, for example, at Page 56. THE COURT: Fifty-six? You're right. You got it. Okay. I was	2 3 4 5 6 7 8 9 10 11 12 13 14 15	THE COURT: I mean, it seems to address  detection. No?  MR. CHEN: It does not, Your Honor. And,  actually, I'm glad we can start right here.  So let's actually go to our slides, please.  Seventy-five, please.  So this is on Page 70 of the claim  construction brief. And this is what BEC points to.  They say in their brief that the  specification explains that an objective, an optical element, gathers and images light and that detection of that light may be conducted from the side of the  microscope objective.  That's what they included in their brief, Your Honor. That's misleading. They left out a key word. The same side. The same side of the microscope
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	light.  So it's not just gathering, collecting, and  THE COURT: Is there anything else besides Hold on a second.  MR. KHAN: There is more in the specification. THE COURT: Just hold on. Just give me a  second.  MR. KHAN: Yes, Your Honor. THE COURT: Is that in your brief? MR. KHAN: It is, Your Honor. THE COURT: Where? I'm looking at Page 70, 71. MR. KHAN: It's, for example, at Page 56. THE COURT: Fifty-six? You're right. You got it. Okay. I was  focused on later down. All right.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	THE COURT: I mean, it seems to address detection. No?  MR. CHEN: It does not, Your Honor. And, actually, I'm glad we can start right here.  So let's actually go to our slides, please.  Seventy-five, please.  So this is on Page 70 of the claim construction brief. And this is what BEC points to.  They say in their brief that the specification explains that an objective, an optical element, gathers and images light and that detection of that light may be conducted from the side of the microscope objective.  That's what they included in their brief, Your Honor. That's misleading. They left out a key word. The same side. The same side of the microscope objective. Why does that matter?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	light.  So it's not just gathering, collecting, and  THE COURT: Is there anything else besides Hold on a second.  MR. KHAN: There is more in the specification. THE COURT: Just hold on. Just give me a  second.  MR. KHAN: Yes, Your Honor. THE COURT: Is that in your brief?  MR. KHAN: It is, Your Honor. THE COURT: Where?  I'm looking at Page 70, 71.  MR. KHAN: It's, for example, at Page 56. THE COURT: Fifty-six? You're right. You got it. Okay. I was  focused on later down. All right. All right. Let me hear them on this	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	THE COURT: I mean, it seems to address  detection. No?  MR. CHEN: It does not, Your Honor. And,  actually, I'm glad we can start right here.  So let's actually go to our slides, please.  Seventy-five, please.  So this is on Page 70 of the claim  construction brief. And this is what BEC points to.  They say in their brief that the  specification explains that an objective, an optical  element, gathers and images light and that detection of  that light may be conducted from the side of the  microscope objective.  That's what they included in their brief,  Your Honor. That's misleading. They left out a key  word. The same side. The same side of the microscope  objective. Why does that matter?  THE COURT: Hold up.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	light.  So it's not just gathering, collecting, and  THE COURT: Is there anything else besides Hold on a second.  MR. KHAN: There is more in the specification.  THE COURT: Just hold on. Just give me a  second.  MR. KHAN: Yes, Your Honor.  THE COURT: Is that in your brief?  MR. KHAN: It is, Your Honor.  THE COURT: Where?  I'm looking at Page 70, 71.  MR. KHAN: It's, for example, at Page 56.  THE COURT: Fifty-six?  You're right. You got it. Okay. I was  focused on later down. All right.  All right. Let me hear them on this  corresponding structure.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	THE COURT: I mean, it seems to address  detection. No?  MR. CHEN: It does not, Your Honor. And,  actually, I'm glad we can start right here.  So let's actually go to our slides, please.  Seventy-five, please.  So this is on Page 70 of the claim  construction brief. And this is what BEC points to.  They say in their brief that the  specification explains that an objective, an optical  element, gathers and images light and that detection of  that light may be conducted from the side of the  microscope objective.  That's what they included in their brief,  Your Honor. That's misleading. They left out a key  word. The same side. The same side of the microscope  objective. Why does that matter?  THE COURT: Hold up.  Okay.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Iight.  So it's not just gathering, collecting, and  THE COURT: Is there anything else besides Hold on a second.  MR. KHAN: There is more in the specification. THE COURT: Just hold on. Just give me a  second.  MR. KHAN: Yes, Your Honor.  THE COURT: Is that in your brief?  MR. KHAN: It is, Your Honor.  THE COURT: Where?  I'm looking at Page 70, 71.  MR. KHAN: It's, for example, at Page 56. THE COURT: Fifty-six?  You're right. You got it. Okay. I was  focused on later down. All right.  All right. Let me hear them on this  corresponding structure.  So that seems to me, Mr. Chen, your big	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	THE COURT: I mean, it seems to address  detection. No?  MR. CHEN: It does not, Your Honor. And,  actually, I'm glad we can start right here.  So let's actually go to our slides, please.  Seventy-five, please.  So this is on Page 70 of the claim  construction brief. And this is what BEC points to.  They say in their brief that the  specification explains that an objective, an optical element, gathers and images light and that detection of that light may be conducted from the side of the  microscope objective.  That's what they included in their brief, Your Honor. That's misleading. They left out a key  word. The same side. The same side of the microscope objective. Why does that matter?  THE COURT: Hold up.  Okay.  MR. CHEN: It's not the side of the objective
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	light.  So it's not just gathering, collecting, and  THE COURT: Is there anything else besides Hold on a second.  MR. KHAN: There is more in the specification. THE COURT: Just hold on. Just give me a  second.  MR. KHAN: Yes, Your Honor. THE COURT: Is that in your brief? MR. KHAN: It is, Your Honor. THE COURT: Where? I'm looking at Page 70, 71. MR. KHAN: It's, for example, at Page 56. THE COURT: Fifty-six? You're right. You got it. Okay. I was  focused on later down. All right. All right. Let me hear them on this  corresponding structure. So that seems to me, Mr. Chen, your big argument was wrong function. It's not detection.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	THE COURT: I mean, it seems to address detection. No?  MR. CHEN: It does not, Your Honor. And, actually, I'm glad we can start right here.  So let's actually go to our slides, please.  Seventy-five, please.  So this is on Page 70 of the claim construction brief. And this is what BEC points to.  They say in their brief that the specification explains that an objective, an optical element, gathers and images light and that detection of that light may be conducted from the side of the microscope objective.  That's what they included in their brief, Your Honor. That's misleading. They left out a key word. The same side. The same side of the microscope objective. Why does that matter?  THE COURT: Hold up. Okay.  MR. CHEN: It's not the side of the objective that's detecting light. All this passage says in the
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Iight.  So it's not just gathering, collecting, and  THE COURT: Is there anything else besides Hold on a second.  MR. KHAN: There is more in the specification.  THE COURT: Just hold on. Just give me a  second.  MR. KHAN: Yes, Your Honor.  THE COURT: Is that in your brief?  MR. KHAN: It is, Your Honor.  THE COURT: Where?  I'm looking at Page 70, 71.  MR. KHAN: It's, for example, at Page 56.  THE COURT: Fifty-six?  You're right. You got it. Okay. I was  focused on later down. All right.  All right. Let me hear them on this  corresponding structure.  So that seems to me, Mr. Chen, your big  argument was wrong function. It's not detection.  MR. CHEN: That's correct.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	THE COURT: I mean, it seems to address  detection. No?  MR. CHEN: It does not, Your Honor. And,  actually, I'm glad we can start right here.  So let's actually go to our slides, please.  Seventy-five, please.  So this is on Page 70 of the claim  construction brief. And this is what BEC points to.  They say in their brief that the  specification explains that an objective, an optical  element, gathers and images light and that detection of  that light may be conducted from the side of the  microscope objective.  That's what they included in their brief,  Your Honor. That's misleading. They left out a key  word. The same side. The same side of the microscope  objective. Why does that matter?  THE COURT: Hold up.  Okay.  MR. CHEN: It's not the side of the objective  that's detecting light. All this passage says in the  specification is that detection occurs on the same side
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Iight.  So it's not just gathering, collecting, and  THE COURT: Is there anything else besides Hold on a second.  MR. KHAN: There is more in the specification. THE COURT: Just hold on. Just give me a  second.  MR. KHAN: Yes, Your Honor. THE COURT: Is that in your brief?  MR. KHAN: It is, Your Honor. THE COURT: Where? I'm looking at Page 70, 71.  MR. KHAN: It's, for example, at Page 56. THE COURT: Fifty-six? You're right. You got it. Okay. I was  focused on later down. All right. All right. Let me hear them on this  corresponding structure. So that seems to me, Mr. Chen, your big argument was wrong function. It's not detection.  MR. CHEN: That's correct. THE COURT: But this passage, I hadn't focused	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	THE COURT: I mean, it seems to address  detection. No?  MR. CHEN: It does not, Your Honor. And,  actually, I'm glad we can start right here.  So let's actually go to our slides, please.  Seventy-five, please.  So this is on Page 70 of the claim  construction brief. And this is what BEC points to.  They say in their brief that the  specification explains that an objective, an optical  element, gathers and images light and that detection of  that light may be conducted from the side of the  microscope objective.  That's what they included in their brief,  Your Honor. That's misleading. They left out a key  word. The same side. The same side of the microscope  objective. Why does that matter?  THE COURT: Hold up.  Okay.  MR. CHEN: It's not the side of the objective  that's detecting light. All this passage says in the  specification is that detection occurs on the same side  of the microscope objective.

	Case 1:24-cv-00945-CFC-EGT Do	cument 9 #:	192-1 13470	Filed 10/24/25	Page 39 of 50 PageID
1	earlier. It has a concave mirror 415 in the back, it		1	evidence makes it ver	ry clear that the only things that
2	has an aberration corrector plate 414 in the front		2	could be a detector a	are 408 and 413, Your Honor.
3	there, at the top.		3	Scattered detecter, s	side scatter detecter.
4	THE COURT: Yeah.		4	But the ex	trinsic evidence says a detector
5	MR. CHEN: Light passes through, it hits t	ne	5	and there's multiple	dictionaries that we cited to,
6	flow cell. Light scatters and it also fluoresces.		6	Exhibits 45 through 5	50, that say a detector is a device
7	The only things in the specification that		7	that generates an ele	ectrical signal when illuminated by
8	perform detection are 408 and 413. Those are the onl	7	8	light. Electrical si	gnal.
9	passages in the specification that talk about detection		9	THE COURT:	Okay. Hold on. I want you to
10	The passage that we looked at earlier when	е	10	just look.	
11	it says that detection of light scattered and		11	So the pas	ssage you're referring to where
12	fluoresced, scattering and fluorescing, may be conduct	ed	12	they where you thi	nk they're misleading, it's relying
13	from the same side of the microscope objective.		13	on Column 5, 62 to 65	o. Okay?
14	All that means is that you're having		14	But earlie	er on, when I said was it in your
15	detection of side scattered light and fluorescent lig	nt	15	brief, it was a diffe	erent cite, it was 56. So it starts
16	on the same side of the microscope objective.		16	at Line 56. Okay. B	But it's right before this passage,
17	An objective is a piece of glass or plasti	e.	17	but it must incorpora	ate it. It's 56 to 65. All right.
18	It does not detect. We cited to numerous		18	Okay. Let	me hear from them.
19	dictionaries optical dictionaries, not the Collins		19	MR. KHAN:	Your Honor, the notion that we sort
20	Dictionary optical dictionaries that say that a		20	of misquote that quot	e is totally wrong because I pointed
21	detector in Exhibit 45 is an example and I can jus	5	21	you to Page 56 of the	brief. And we had exactly the same
22	put it on the Elmo here.		22	side. The language t	hat Mr. Chen is saying we apparently
23	THE COURT: It's all extrinsic evidence,		23	omitted, we did no su	ach thing.
24	though, is the bottom line.		24	THE COURT:	Hold up.
25	MR. CHEN: Oh, I agree. I think the intrin	sic	25	Okay. So	he's focused on what you said on
	15	1			152
1	Page 70. And today, you've pointed me to Page 56. B	ıt	1	THE COURT:	Because it's one thing to say that
2	let's not get into worry about whether there was a fa	st	2	the objective allows	for the detection by something else.
3	one or not. I think the bigger issue is this:		3	And I think that woul	d be a credible statement. It's
4	Now that I've had the benefit of oral		4	another thing to say	that it is the objective within this
5	argument, and I skipped over 56 or just didn't see it	as	5	language here, Lines	56 to 65, that detects it.
6	much, focused more on 70; although, it's in 70.		6	Which one	are you saying?
7	Well, bottom line, put all that aside. I's	n	7	MR. KHAN:	If we think of "detect" as
8	looking right now at Column 5, Lines 56 to 65. Okay?		8	gathering, collecting	g, imaging, right, then it is, in
9	That's the only language that you are pointing to for		9	fact, detected.	
10	structure, right?		10	THE COURT:	Okay. Where, what source would
11	MR. KHAN: No, Your Honor. We're also		11	tell me to equate	
12	pointing to		12	In the cor	ntext of this patent, in this
13	THE COURT: Before you go further, I don't	see	13	discussion here speci	fically
14	the structure there. It seems to me what's being		14	MR. KHAN:	Right.
15	discussed in those lines of the patent is the fact th	at	15	THE COURT:	you're telling me that "detect"
16	some light emanates from the objective and is then		16	is referring to a fun	action performed by the objective?
17	detected by another structure. And, I mean, can you		17	MR. KHAN:	Your Honor, if we're talking about
18	point to do you even dispute that?		18	what the word "detect	" means, the claims, themselves,
19	MR. KHAN: Yeah, we do, Your Honor.		19	tell you that it's an	optical element that detects. And
20	THE COURT: You're telling me the objectiv	e	20	so we have to under-	we have been in a world where
21	actually detects it?		21	it's a possibility of	an optical element detecting.
22	MR. KHAN: Because, Your Honor		22	Here, the	composite microscope objective does
00					
23	THE COURT: Hold up. Because this I do war	t,	23	collect imaging light	, it does gather an imaged light,

24

and it is gathering light from or fluoresced by the

25 illuminated particle. That is tracking almost exactly

24

25

I'm going to press you.

MR. KHAN: Yes.

	Case 1:24-cv-00945-CFC-EGT	192-1 13471	Filed 10/24/25 Page 40 of 50 PageID
1	the language of the claim of the claims that we were	1	THE COURT: Right.
2	just talking about. And so	2	MR. KHAN: in the light source. If "detect"
3	THE COURT: Wait, wait. Hold on.	3	means
4	The claim we were talking about?	4	THE COURT: Hold on. What's the light source?
5	Claim 13, right?	5	MR. KHAN: The light source here would be the
6	MR. KHAN: Correct.	6	laser.
7	THE COURT: Sorry.	7	THE COURT: Okay. And then the particle?
8	What claim again? Is it 13?	8	MR. KHAN: The particle is particle
9	MR. KHAN: '443 is Claim 13.	9	generally means any particle, but here it would be the
10	THE COURT: Okay. By the way, for the record,	10	cell.
11	I was referring by the lines of the patent in Column 5.	11	THE COURT: The cell of the light wave that's
12	I was referring to the '532 patent. I think everybody	12	in the objective, correct?
13	has used the written description of the '532 patent.	13	MR. KHAN: No. The cell that's flowing
14	MR. KHAN: '582 patent.	14	through the flow channel.
15	THE COURT: '582. Sorry. Apologize.	15	THE COURT: It's flowing through. And then
16		16	
	MR. KHAN: Yes, Judge.		the scattered light that's emitted by that particle
17	THE COURT: Yeah. So	17	occurs in the objective, right, the scattering of the
18	Hold on.	18	light?
19	So you want to go to the language of the	19	MR. KHAN: Correct. The scattered light is
20	claims. Is that what you wanted to do?	20	collected by the objective.
21	MR. KHAN: I wanted to we can do that, Your	21	How do we know that? The specification
22	Honor. So here's the language of the claim. So the	22	itself says, you know, the composite, the microscope
23	language of the claim is "Optical element configured to	23	objective gathered light scattered from
24	detect scattered light emitted by the particle in the	24	THE COURT: Right.
25	flow channel"	25	MR. KHAN: or fluoresced by
1	155	1	156  Detect just means find or discover something. And
1 2	THE COURT: Right.	1 2	Detect just means find or discover something. And
2	THE COURT: Right.  MR. KHAN: the illuminated particle.	2	Detect just means find or discover something. And that's what the composite microscope objective is doing
2	THE COURT: Right.  MR. KHAN: the illuminated particle.  THE COURT: Right. In other words, what's	2	Detect just means find or discover something. And that's what the composite microscope objective is doing in this context.
2 3 4	THE COURT: Right.  MR. KHAN: the illuminated particle.  THE COURT: Right. In other words, what's going on in the objective is the scattering and the	2 3 4	Detect just means find or discover something. And that's what the composite microscope objective is doing in this context.  It is and it's doing it with exactly the
2 3 4 5	THE COURT: Right.  MR. KHAN: the illuminated particle.  THE COURT: Right. In other words, what's going on in the objective is the scattering and the fluorescing of the light of the particle, correct?	2 3 4 5	Detect just means find or discover something. And that's what the composite microscope objective is doing in this context.  It is and it's doing it with exactly the elements that are described in the claim. It is doing
2 3 4 5	THE COURT: Right.  MR. KHAN: the illuminated particle.  THE COURT: Right. In other words, what's going on in the objective is the scattering and the fluorescing of the light of the particle, correct?  MR. KHAN: Correct.	2 3 4 5 6	Detect just means find or discover something. And that's what the composite microscope objective is doing in this context.  It is and it's doing it with exactly the elements that are described in the claim. It is doing it with respect to the scattered light emitted by the
2 3 4 5 6 7	THE COURT: Right.  MR. KHAN: the illuminated particle.  THE COURT: Right. In other words, what's going on in the objective is the scattering and the fluorescing of the light of the particle, correct?  MR. KHAN: Correct.  THE COURT: You call it illumination, if you	2 3 4 5 6	Detect just means find or discover something. And that's what the composite microscope objective is doing in this context.  It is and it's doing it with exactly the elements that are described in the claim. It is doing it with respect to the scattered light emitted by the particle in the flow channel and illuminated by the
2 3 4 5 6 7 8	THE COURT: Right.  MR. KHAN: the illuminated particle.  THE COURT: Right. In other words, what's going on in the objective is the scattering and the fluorescing of the light of the particle, correct?  MR. KHAN: Correct.  THE COURT: You call it illumination, if you want to, as well.	2 3 4 5 6 7 8	Detect just means find or discover something. And that's what the composite microscope objective is doing in this context.  It is and it's doing it with exactly the elements that are described in the claim. It is doing it with respect to the scattered light emitted by the particle in the flow channel and illuminated by the light source.
2 3 4 5 6 7 8	THE COURT: Right.  MR. KHAN: the illuminated particle.  THE COURT: Right. In other words, what's going on in the objective is the scattering and the fluorescing of the light of the particle, correct?  MR. KHAN: Correct.  THE COURT: You call it illumination, if you want to, as well.  MR. KHAN: Of the illuminated particle.	2 3 4 5 6 7 8	Detect just means find or discover something. And that's what the composite microscope objective is doing in this context.  It is and it's doing it with exactly the elements that are described in the claim. It is doing it with respect to the scattered light emitted by the particle in the flow channel and illuminated by the light source.  THE COURT: So then, you're saying Claim 13
2 3 4 5 6 7 8 9	THE COURT: Right.  MR. KHAN: the illuminated particle.  THE COURT: Right. In other words, what's going on in the objective is the scattering and the fluorescing of the light of the particle, correct?  MR. KHAN: Correct.  THE COURT: You call it illumination, if you want to, as well.  MR. KHAN: Of the illuminated particle.  THE COURT: Right.	2 3 4 5 6 7 8 9	Detect just means find or discover something. And that's what the composite microscope objective is doing in this context.  It is and it's doing it with exactly the elements that are described in the claim. It is doing it with respect to the scattered light emitted by the particle in the flow channel and illuminated by the light source.  THE COURT: So then, you're saying Claim 13 Put up Figure 25. Or not Figure 25. Put up
2 3 4 5 6 7 8 9 10	THE COURT: Right.  MR. KHAN: the illuminated particle.  THE COURT: Right. In other words, what's going on in the objective is the scattering and the fluorescing of the light of the particle, correct?  MR. KHAN: Correct.  THE COURT: You call it illumination, if you want to, as well.  MR. KHAN: Of the illuminated particle.  THE COURT: Right.  MR. KHAN: In tracking the language of the	2 3 4 5 6 7 8 9 10	Detect just means find or discover something. And that's what the composite microscope objective is doing in this context.  It is and it's doing it with exactly the elements that are described in the claim. It is doing it with respect to the scattered light emitted by the particle in the flow channel and illuminated by the light source.  THE COURT: So then, you're saying Claim 13 Put up Figure 25. Or not Figure 25. Put up the first figure in the patent.
2 3 4 5 6 7 8 9 10 11	THE COURT: Right.  MR. KHAN: the illuminated particle.  THE COURT: Right. In other words, what's going on in the objective is the scattering and the fluorescing of the light of the particle, correct?  MR. KHAN: Correct.  THE COURT: You call it illumination, if you want to, as well.  MR. KHAN: Of the illuminated particle.  THE COURT: Right.  MR. KHAN: In tracking the language of the claim	2 3 4 5 6 7 8 9 10 11 12	Detect just means find or discover something. And that's what the composite microscope objective is doing in this context.  It is and it's doing it with exactly the elements that are described in the claim. It is doing it with respect to the scattered light emitted by the particle in the flow channel and illuminated by the light source.  THE COURT: So then, you're saying Claim 13 Put up Figure 25. Or not Figure 25. Put up the first figure in the patent.  All right. Now, 90. What's 90?
2 3 4 5 6 7 8 9 10 11 12 13	THE COURT: Right.  MR. KHAN: the illuminated particle.  THE COURT: Right. In other words, what's going on in the objective is the scattering and the fluorescing of the light of the particle, correct?  MR. KHAN: Correct.  THE COURT: You call it illumination, if you want to, as well.  MR. KHAN: Of the illuminated particle.  THE COURT: Right.  MR. KHAN: In tracking the language of the claim  THE COURT: Right.	2 3 4 5 6 7 8 9 10 11 12 13	Detect just means find or discover something. And that's what the composite microscope objective is doing in this context.  It is and it's doing it with exactly the elements that are described in the claim. It is doing it with respect to the scattered light emitted by the particle in the flow channel and illuminated by the light source.  THE COURT: So then, you're saying Claim 13 Put up Figure 25. Or not Figure 25. Put up the first figure in the patent.  All right. Now, 90. What's 90?  MR. KHAN: 90, I believe, is the fiber optic
2 3 4 5 6 7 8 9 10 11 12 13	THE COURT: Right.  MR. KHAN: the illuminated particle.  THE COURT: Right. In other words, what's going on in the objective is the scattering and the fluorescing of the light of the particle, correct?  MR. KHAN: Correct.  THE COURT: You call it illumination, if you want to, as well.  MR. KHAN: Of the illuminated particle.  THE COURT: Right.  MR. KHAN: In tracking the language of the claim  THE COURT: Right.  MR. KHAN: if "detect" is understood to	2 3 4 5 6 7 8 9 10 11 12 13	Detect just means find or discover something. And that's what the composite microscope objective is doing in this context.  It is and it's doing it with exactly the elements that are described in the claim. It is doing it with respect to the scattered light emitted by the particle in the flow channel and illuminated by the light source.  THE COURT: So then, you're saying Claim 13 Put up Figure 25. Or not Figure 25. Put up the first figure in the patent.  All right. Now, 90. What's 90?  MR. KHAN: 90, I believe, is the fiber optic cable to the WDM.
2 3 4 5 6 7 8 9 10 11 12 13 14	THE COURT: Right.  MR. KHAN: the illuminated particle.  THE COURT: Right. In other words, what's going on in the objective is the scattering and the fluorescing of the light of the particle, correct?  MR. KHAN: Correct.  THE COURT: You call it illumination, if you want to, as well.  MR. KHAN: Of the illuminated particle.  THE COURT: Right.  MR. KHAN: In tracking the language of the claim  THE COURT: Right.  MR. KHAN: if "detect" is understood to mean just discover or find, right, if we go back to the	2 3 4 5 6 7 8 9 10 11 12 13 14	Detect just means find or discover something. And that's what the composite microscope objective is doing in this context.  It is and it's doing it with exactly the elements that are described in the claim. It is doing it with respect to the scattered light emitted by the particle in the flow channel and illuminated by the light source.  THE COURT: So then, you're saying Claim 13 Put up Figure 25. Or not Figure 25. Put up the first figure in the patent.  All right. Now, 90. What's 90?  MR. KHAN: 90, I believe, is the fiber optic cable to the WDM.  THE COURT: What's 852?
2 3 4 5 6 7 8 9 10 11 12 13 14 15	THE COURT: Right.  MR. KHAN: the illuminated particle.  THE COURT: Right. In other words, what's going on in the objective is the scattering and the fluorescing of the light of the particle, correct?  MR. KHAN: Correct.  THE COURT: You call it illumination, if you want to, as well.  MR. KHAN: Of the illuminated particle.  THE COURT: Right.  MR. KHAN: In tracking the language of the claim  THE COURT: Right.  MR. KHAN: if "detect" is understood to mean just discover or find, right, if we go back to the claim sorry. Here. "An optical element configured to	2 3 4 5 6 7 8 9 10 11 12 13 14 15	Detect just means find or discover something. And that's what the composite microscope objective is doing in this context.  It is and it's doing it with exactly the elements that are described in the claim. It is doing it with respect to the scattered light emitted by the particle in the flow channel and illuminated by the light source.  THE COURT: So then, you're saying Claim 13 Put up Figure 25. Or not Figure 25. Put up the first figure in the patent.  All right. Now, 90. What's 90?  MR. KHAN: 90, I believe, is the fiber optic cable to the WDM.  THE COURT: What's 852?  MR. KHAN: I'm sorry?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	THE COURT: Right.  MR. KHAN: the illuminated particle.  THE COURT: Right. In other words, what's going on in the objective is the scattering and the fluorescing of the light of the particle, correct?  MR. KHAN: Correct.  THE COURT: You call it illumination, if you want to, as well.  MR. KHAN: Of the illuminated particle.  THE COURT: Right.  MR. KHAN: In tracking the language of the claim  THE COURT: Right.  MR. KHAN: if "detect" is understood to mean just discover or find, right, if we go back to the claim sorry. Here. "An optical element configured to discover or find scattered light emitted by the particle	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	Detect just means find or discover something. And that's what the composite microscope objective is doing in this context.  It is and it's doing it with exactly the elements that are described in the claim. It is doing it with respect to the scattered light emitted by the particle in the flow channel and illuminated by the light source.  THE COURT: So then, you're saying Claim 13 Put up Figure 25. Or not Figure 25. Put up the first figure in the patent.  All right. Now, 90. What's 90?  MR. KHAN: 90, I believe, is the fiber optic cable to the WDM.  THE COURT: What's 852?  MR. KHAN: I'm sorry? THE COURT: What's 852?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	THE COURT: Right.  MR. KHAN: the illuminated particle.  THE COURT: Right. In other words, what's going on in the objective is the scattering and the fluorescing of the light of the particle, correct?  MR. KHAN: Correct.  THE COURT: You call it illumination, if you want to, as well.  MR. KHAN: Of the illuminated particle.  THE COURT: Right.  MR. KHAN: In tracking the language of the claim  THE COURT: Right.  MR. KHAN: if "detect" is understood to mean just discover or find, right, if we go back to the claim sorry. Here. "An optical element configured to discover or find scattered light emitted by the particle in the flow channel illuminated by a light source, that's	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	Detect just means find or discover something. And that's what the composite microscope objective is doing in this context.  It is and it's doing it with exactly the elements that are described in the claim. It is doing it with respect to the scattered light emitted by the particle in the flow channel and illuminated by the light source.  THE COURT: So then, you're saying Claim 13 Put up Figure 25. Or not Figure 25. Put up the first figure in the patent. All right. Now, 90. What's 90?  MR. KHAN: 90, I believe, is the fiber optic cable to the WDM.  THE COURT: What's 852?  MR. KHAN: I'm sorry?  THE COURT: What's 852?  MR. KHAN: I believe that's a fiber optic
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	THE COURT: Right.  MR. KHAN: the illuminated particle.  THE COURT: Right. In other words, what's going on in the objective is the scattering and the fluorescing of the light of the particle, correct?  MR. KHAN: Correct.  THE COURT: You call it illumination, if you want to, as well.  MR. KHAN: Of the illuminated particle.  THE COURT: Right.  MR. KHAN: In tracking the language of the claim  THE COURT: Right.  MR. KHAN: if "detect" is understood to mean just discover or find, right, if we go back to the claim sorry. Here. "An optical element configured to discover or find scattered light emitted by the particle in the flow channel illuminated by a light source, that's the composite microscope objective. That's what it's	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Detect just means find or discover something. And that's what the composite microscope objective is doing in this context.  It is and it's doing it with exactly the elements that are described in the claim. It is doing it with respect to the scattered light emitted by the particle in the flow channel and illuminated by the light source.  THE COURT: So then, you're saying Claim 13 Put up Figure 25. Or not Figure 25. Put up the first figure in the patent.  All right. Now, 90. What's 90?  MR. KHAN: 90, I believe, is the fiber optic cable to the WDM.  THE COURT: What's 852?  MR. KHAN: I'm sorry?  THE COURT: What's 852?  MR. KHAN: I believe that's a fiber optic cable. That's the
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	THE COURT: Right.  MR. KHAN: the illuminated particle.  THE COURT: Right. In other words, what's going on in the objective is the scattering and the fluorescing of the light of the particle, correct?  MR. KHAN: Correct.  THE COURT: You call it illumination, if you want to, as well.  MR. KHAN: Of the illuminated particle.  THE COURT: Right.  MR. KHAN: In tracking the language of the claim  THE COURT: Right.  MR. KHAN: if "detect" is understood to mean just discover or find, right, if we go back to the claim sorry. Here. "An optical element configured to discover or find scattered light emitted by the particle in the flow channel illuminated by a light source, that's the composite microscope objective. That's what it's doing. That's its function. It's clearly linked in the	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Detect just means find or discover something. And that's what the composite microscope objective is doing in this context.  It is and it's doing it with exactly the elements that are described in the claim. It is doing it with respect to the scattered light emitted by the particle in the flow channel and illuminated by the light source.  THE COURT: So then, you're saying Claim 13 Put up Figure 25. Or not Figure 25. Put up the first figure in the patent. All right. Now, 90. What's 90?  MR. KHAN: 90, I believe, is the fiber optic cable to the WDM.  THE COURT: What's 852?  MR. KHAN: I'm sorry? THE COURT: What's 852?  MR. KHAN: I believe that's a fiber optic cable. That's the THE COURT: Yeah. I thought you just said
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	THE COURT: Right.  MR. KHAN: the illuminated particle.  THE COURT: Right. In other words, what's going on in the objective is the scattering and the fluorescing of the light of the particle, correct?  MR. KHAN: Correct.  THE COURT: You call it illumination, if you want to, as well.  MR. KHAN: Of the illuminated particle.  THE COURT: Right.  MR. KHAN: In tracking the language of the claim  THE COURT: Right.  MR. KHAN: if "detect" is understood to mean just discover or find, right, if we go back to the claim sorry. Here. "An optical element configured to discover or find scattered light emitted by the particle in the flow channel illuminated by a light source, that's the composite microscope objective. That's what it's	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Detect just means find or discover something. And that's what the composite microscope objective is doing in this context.  It is — and it's doing it with exactly the elements that are described in the claim. It is doing it with respect to the scattered light emitted by the particle in the flow channel and illuminated by the light source.  THE COURT: So then, you're saying Claim 13 Put up Figure 25. Or not Figure 25. Put up the first figure in the patent. All right. Now, 90. What's 90?  MR. KHAN: 90, I believe, is the fiber optic cable to the WDM.  THE COURT: What's 852?  MR. KHAN: I'm sorry? THE COURT: What's 852?  MR. KHAN: I believe that's a fiber optic cable. That's the — THE COURT: Yeah. I thought you just said that's 90?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	THE COURT: Right.  MR. KHAN: the illuminated particle.  THE COURT: Right. In other words, what's going on in the objective is the scattering and the fluorescing of the light of the particle, correct?  MR. KHAN: Correct.  THE COURT: You call it illumination, if you want to, as well.  MR. KHAN: Of the illuminated particle.  THE COURT: Right.  MR. KHAN: In tracking the language of the claim  THE COURT: Right.  MR. KHAN: if "detect" is understood to mean just discover or find, right, if we go back to the claim sorry. Here. "An optical element configured to discover or find scattered light emitted by the particle in the flow channel illuminated by a light source, that's the composite microscope objective. That's what it's doing. That's its function. It's clearly linked in the	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Detect just means find or discover something. And that's what the composite microscope objective is doing in this context.  It is and it's doing it with exactly the elements that are described in the claim. It is doing it with respect to the scattered light emitted by the particle in the flow channel and illuminated by the light source.  THE COURT: So then, you're saying Claim 13 Put up Figure 25. Or not Figure 25. Put up the first figure in the patent. All right. Now, 90. What's 90?  MR. KHAN: 90, I believe, is the fiber optic cable to the WDM.  THE COURT: What's 852?  MR. KHAN: I'm sorry? THE COURT: What's 852?  MR. KHAN: I believe that's a fiber optic cable. That's the THE COURT: Yeah. I thought you just said
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	THE COURT: Right.  MR. KHAN: the illuminated particle.  THE COURT: Right. In other words, what's going on in the objective is the scattering and the fluorescing of the light of the particle, correct?  MR. KHAN: Correct.  THE COURT: You call it illumination, if you want to, as well.  MR. KHAN: Of the illuminated particle.  THE COURT: Right.  MR. KHAN: In tracking the language of the claim  THE COURT: Right.  MR. KHAN: if "detect" is understood to mean just discover or find, right, if we go back to the claim sorry. Here. "An optical element configured to discover or find scattered light emitted by the particle in the flow channel illuminated by a light source, that's the composite microscope objective. That's what it's doing. That's its function. It's clearly linked in the specification.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Detect just means find or discover something. And that's what the composite microscope objective is doing in this context.  It is — and it's doing it with exactly the elements that are described in the claim. It is doing it with respect to the scattered light emitted by the particle in the flow channel and illuminated by the light source.  THE COURT: So then, you're saying Claim 13 Put up Figure 25. Or not Figure 25. Put up the first figure in the patent. All right. Now, 90. What's 90?  MR. KHAN: 90, I believe, is the fiber optic cable to the WDM.  THE COURT: What's 852?  MR. KHAN: I'm sorry? THE COURT: What's 852?  MR. KHAN: I believe that's a fiber optic cable. That's the — THE COURT: Yeah. I thought you just said that's 90?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	THE COURT: Right.  MR. KHAN: the illuminated particle.  THE COURT: Right. In other words, what's going on in the objective is the scattering and the fluorescing of the light of the particle, correct?  MR. KHAN: Correct.  THE COURT: You call it illumination, if you want to, as well.  MR. KHAN: Of the illuminated particle.  THE COURT: Right.  MR. KHAN: In tracking the language of the claim  THE COURT: Right.  MR. KHAN: if "detect" is understood to mean just discover or find, right, if we go back to the claim sorry. Here. "An optical element configured to discover or find scattered light emitted by the particle in the flow channel illuminated by a light source, that's the composite microscope objective. That's what it's doing. That's its function. It's clearly linked in the specification.  The trick is, what my colleague on the other	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Detect just means find or discover something. And that's what the composite microscope objective is doing in this context.  It is and it's doing it with exactly the elements that are described in the claim. It is doing it with respect to the scattered light emitted by the particle in the flow channel and illuminated by the light source.  THE COURT: So then, you're saying Claim 13 Put up Figure 25. Or not Figure 25. Put up the first figure in the patent. All right. Now, 90. What's 90?  MR. KHAN: 90, I believe, is the fiber optic cable to the WDM.  THE COURT: What's 852?  MR. KHAN: I'm sorry? THE COURT: What's 852?  MR. KHAN: I believe that's a fiber optic cable. That's the  THE COURT: Yeah. I thought you just said that's 90?  MR. KHAN: Oh. 852 is 90 appears to be
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	THE COURT: Right.  MR. KHAN: the illuminated particle.  THE COURT: Right. In other words, what's going on in the objective is the scattering and the fluorescing of the light of the particle, correct?  MR. KHAN: Correct.  THE COURT: You call it illumination, if you want to, as well.  MR. KHAN: Of the illuminated particle.  THE COURT: Right.  MR. KHAN: In tracking the language of the claim  THE COURT: Right.  MR. KHAN: if "detect" is understood to mean just discover or find, right, if we go back to the claim sorry. Here. "An optical element configured to discover or find scattered light emitted by the particle in the flow channel illuminated by a light source, that's the composite microscope objective. That's what it's doing. That's its function. It's clearly linked in the specification.  The trick is, what my colleague on the other side is saying is, no, no, no, detect means you have to	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Detect just means find or discover something. And that's what the composite microscope objective is doing in this context.  It is and it's doing it with exactly the elements that are described in the claim. It is doing it with respect to the scattered light emitted by the particle in the flow channel and illuminated by the light source.  THE COURT: So then, you're saying Claim 13  Put up Figure 25. Or not Figure 25. Put up the first figure in the patent.  All right. Now, 90. What's 90?  MR. KHAN: 90, I believe, is the fiber optic cable to the WDM.  THE COURT: What's 852?  MR. KHAN: I'm sorry?  THE COURT: What's 852?  MR. KHAN: I believe that's a fiber optic cable. That's the  THE COURT: Yeah. I thought you just said that's 90?  MR. KHAN: Oh. 852 is 90 appears to be the oh, 90 is the WDM. Sorry.

	Case 1:24-cv-00945-CFC-EGT Documen	t 192-1 : 13472	Filed 10/24/25 Page 41 of 50 PageID
1	THE COURT: What's the WDM do?	1	THE COURT: Cytometer?
2	MR. KHAN: It is	2	MR. KHAN: A cytometer is an instrument to
3	THE COURT: What's it called? What does "WDM"	3	to analyze cells. A flow cytometer
4	mean?	4	THE COURT: Hold on. I just want to
5	MR. KHAN: I means wavelength division	5	MR. KHAN: Sure.
6	multiplexer.	6	THE COURT: It's an instrument to analyze
7	THE COURT: Okay. And what does it do?	7	cells.
8	MR. KHAN: It's basically the optical	8	MR. KHAN: So cyto means cell.
9	components that are going to convert the optical signal	9	THE COURT: Yep.
10	into an electrical signal to determine what is present in	10	MR. KHAN: And meter means, basically, an
11	the flow cell.	11	instrument.
12	THE COURT: To determine what is present in	12	THE COURT: And is WDM a cytometer.
13	the what?	13	MR. KHAN: WDM would be a component of a
14	MR. KHAN: In the flow cell.	14	cytometer, yes.
15	THE COURT: In the what? What did you say?	15	THE COURT: And it, what it does is it
16	MR. KHAN: The flow cell. So the	16	determines what's present in the flow cell?
17	THE COURT: Flow cell. In the flow cell.	17	MR. KHAN: It's giving you
18	Yep. I know what you mean. I just wanted to get your	18	THE COURT: Literally, I wrote that down.
19	exact words. Okay.	19	That's what you
20	MR. KHAN: The	20	MR. KHAN: The electrical signals
21	THE COURT: Hold up. Hold up.	21	THE COURT: That's what you incidentally, and
22	MR. KHAN: Sure.	22	the record will reflect this, I just read back what you
23	THE COURT: And just for definitions, what's a	23	said to me. You said a WDM, it determines what is
24	cytometer?	24	present in the flow cell. That's your definition.
25	MR. KHAN: What's that?	25	Are you backing off that?
1	159	1	160
2	MR. KHAN: No, no, no.	1	everywhere.
2	THE COIDT. Okay	2	Rut in the context of what the natent is
3	THE COURT: Okay.  MR KHAN. What I'm saving is it's giving you	2	But in the context of what the patent is
3	MR. KHAN: What I'm saying is it's giving you	3	talking about when it's trying to capture the scattered
4	MR. KHAN: What I'm saying is it's giving you the electrical signals to tell you what's in the flow	3	talking about when it's trying to capture the scattered light, the scattered light
4 5	MR. KHAN: What I'm saying is it's giving you the electrical signals to tell you what's in the flow cell, yes.	3 4 5	talking about when it's trying to capture the scattered light, the scattered light  THE COURT: When the objective is trying to
4 5 6	MR. KHAN: What I'm saying is it's giving you the electrical signals to tell you what's in the flow cell, yes.  So that's why we need	3 4 5 6	talking about when it's trying to capture the scattered light, the scattered light  THE COURT: When the objective is trying to capture. So the objective captures the scattered light?
4 5 6 7	MR. KHAN: What I'm saying is it's giving you the electrical signals to tell you what's in the flow cell, yes.  So that's why we need THE COURT: Hold up. Hold up.	3 4 5 6 7	talking about when it's trying to capture the scattered light, the scattered light  THE COURT: When the objective is trying to capture. So the objective captures the scattered light?  MR. KHAN: That's exactly what the
4 5 6 7 8	MR. KHAN: What I'm saying is it's giving you the electrical signals to tell you what's in the flow cell, yes.  So that's why we need  THE COURT: Hold up. Hold up.  MR. KHAN: Yeah.	3 4 5 6 7 8	talking about when it's trying to capture the scattered light, the scattered light  THE COURT: When the objective is trying to capture. So the objective captures the scattered light?  MR. KHAN: That's exactly what the specification says, Your Honor.
4 5 6 7 8	MR. KHAN: What I'm saying is it's giving you the electrical signals to tell you what's in the flow cell, yes.  So that's why we need  THE COURT: Hold up. Hold up.  MR. KHAN: Yeah.  THE COURT: Now, this figure that we're	3 4 5 6 7 8 9	talking about when it's trying to capture the scattered light, the scattered light  THE COURT: When the objective is trying to capture. So the objective captures the scattered light?  MR. KHAN: That's exactly what the specification says, Your Honor.  THE COURT: Okay.
4 5 6 7 8 9	MR. KHAN: What I'm saying is it's giving you the electrical signals to tell you what's in the flow cell, yes.  So that's why we need THE COURT: Hold up. Hold up. MR. KHAN: Yeah. THE COURT: Now, this figure that we're pointing to, Figure 1, what does it depict? Does it	3 4 5 6 7 8 9	talking about when it's trying to capture the scattered light, the scattered light  THE COURT: When the objective is trying to capture. So the objective captures the scattered light?  MR. KHAN: That's exactly what the specification says, Your Honor.  THE COURT: Okay.  MR. KHAN: And I pointed
4 5 6 7 8 9 10	MR. KHAN: What I'm saying is it's giving you the electrical signals to tell you what's in the flow cell, yes.  So that's why we need THE COURT: Hold up. Hold up. MR. KHAN: Yeah. THE COURT: Now, this figure that we're pointing to, Figure 1, what does it depict? Does it depict a cytometer?	3 4 5 6 7 8 9 10	talking about when it's trying to capture the scattered light, the scattered light  THE COURT: When the objective is trying to capture. So the objective captures the scattered light?  MR. KHAN: That's exactly what the specification says, Your Honor.  THE COURT: Okay.  MR. KHAN: And I pointed  THE COURT: Does the scattered light leave the
4 5 6 7 8 9 10 11	MR. KHAN: What I'm saying is it's giving you the electrical signals to tell you what's in the flow cell, yes.  So that's why we need THE COURT: Hold up. Hold up.  MR. KHAN: Yeah. THE COURT: Now, this figure that we're pointing to, Figure 1, what does it depict? Does it depict a cytometer?  MR. KHAN: The full flow cytometer, correct.	3 4 5 6 7 8 9 10 11	talking about when it's trying to capture the scattered light, the scattered light  THE COURT: When the objective is trying to capture. So the objective captures the scattered light?  MR. KHAN: That's exactly what the specification says, Your Honor.  THE COURT: Okay.  MR. KHAN: And I pointed  THE COURT: Does the scattered light leave the objective?
4 5 6 7 8 9 10 11 12 13	MR. KHAN: What I'm saying is it's giving you the electrical signals to tell you what's in the flow cell, yes.  So that's why we need THE COURT: Hold up. Hold up. MR. KHAN: Yeah. THE COURT: Now, this figure that we're pointing to, Figure 1, what does it depict? Does it depict a cytometer?  MR. KHAN: The full flow cytometer, correct. THE COURT: Okay. All right. Now, where is	3 4 5 6 7 8 9 10 11 12 13	talking about when it's trying to capture the scattered light, the scattered light  THE COURT: When the objective is trying to capture. So the objective captures the scattered light?  MR. KHAN: That's exactly what the specification says, Your Honor.  THE COURT: Okay.  MR. KHAN: And I pointed  THE COURT: Does the scattered light leave the objective?  MR. KHAN: The scattered light is yeah,
4 5 6 7 8 9 10 11 12 13 14	MR. KHAN: What I'm saying is it's giving you the electrical signals to tell you what's in the flow cell, yes.  So that's why we need THE COURT: Hold up. Hold up. MR. KHAN: Yeah. THE COURT: Now, this figure that we're pointing to, Figure 1, what does it depict? Does it depict a cytometer?  MR. KHAN: The full flow cytometer, correct. THE COURT: Okay. All right. Now, where is there scattered light?	3 4 5 6 7 8 9 10 11 12 13	talking about when it's trying to capture the scattered light, the scattered light  THE COURT: When the objective is trying to capture. So the objective captures the scattered light?  MR. KHAN: That's exactly what the specification says, Your Honor.  THE COURT: Okay.  MR. KHAN: And I pointed  THE COURT: Does the scattered light leave the objective?  MR. KHAN: The scattered light is yeah, it's captured and then it leaves the objective, yes.
4 5 6 7 8 9 10 11 12 13 14	MR. KHAN: What I'm saying is it's giving you the electrical signals to tell you what's in the flow cell, yes.  So that's why we need THE COURT: Hold up. Hold up. MR. KHAN: Yeah. THE COURT: Now, this figure that we're pointing to, Figure 1, what does it depict? Does it depict a cytometer?  MR. KHAN: The full flow cytometer, correct. THE COURT: Okay. All right. Now, where is there scattered light?  MR. KHAN: Scattered light is here. So	3 4 5 6 7 8 9 10 11 12 13 14	talking about when it's trying to capture the scattered light, the scattered light  THE COURT: When the objective is trying to capture. So the objective captures the scattered light?  MR. KHAN: That's exactly what the specification says, Your Honor.  THE COURT: Okay.  MR. KHAN: And I pointed  THE COURT: Does the scattered light leave the objective?  MR. KHAN: The scattered light is yeah, it's captured and then it leaves the objective, yes.  THE COURT: Where does it go to?
4 5 6 7 8 9 10 11 12 13 14 15 16	MR. KHAN: What I'm saying is it's giving you the electrical signals to tell you what's in the flow cell, yes.  So that's why we need THE COURT: Hold up. Hold up. MR. KHAN: Yeah. THE COURT: Now, this figure that we're pointing to, Figure 1, what does it depict? Does it depict a cytometer?  MR. KHAN: The full flow cytometer, correct. THE COURT: Okay. All right. Now, where is there scattered light?  MR. KHAN: Scattered light is here. So THE COURT: Hold up. You're just doing that.	3 4 5 6 7 8 9 10 11 12 13 14 15	talking about when it's trying to capture the scattered light, the scattered light  THE COURT: When the objective is trying to capture. So the objective captures the scattered light?  MR. KHAN: That's exactly what the specification says, Your Honor.  THE COURT: Okay.  MR. KHAN: And I pointed  THE COURT: Does the scattered light leave the objective?  MR. KHAN: The scattered light is yeah, it's captured and then it leaves the objective, yes.  THE COURT: Where does it go to?  MR. KHAN: It then the objective then leads
4 5 6 7 8 9 10 11 12 13 14 15 16 17	MR. KHAN: What I'm saying is it's giving you the electrical signals to tell you what's in the flow cell, yes.  So that's why we need THE COURT: Hold up. Hold up. MR. KHAN: Yeah. THE COURT: Now, this figure that we're pointing to, Figure 1, what does it depict? Does it depict a cytometer?  MR. KHAN: The full flow cytometer, correct. THE COURT: Okay. All right. Now, where is there scattered light?  MR. KHAN: Scattered light is here. So THE COURT: Hold up. You're just doing that. Just tell me just point. Is it in the objective?	3 4 5 6 7 8 9 10 11 12 13 14 15 16	talking about when it's trying to capture the scattered light, the scattered light  THE COURT: When the objective is trying to capture. So the objective captures the scattered light?  MR. KHAN: That's exactly what the specification says, Your Honor.  THE COURT: Okay.  MR. KHAN: And I pointed  THE COURT: Does the scattered light leave the objective?  MR. KHAN: The scattered light is yeah, it's captured and then it leaves the objective, yes.  THE COURT: Where does it go to?  MR. KHAN: It then the objective then leads to the WDM.
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	MR. KHAN: What I'm saying is it's giving you the electrical signals to tell you what's in the flow cell, yes.  So that's why we need THE COURT: Hold up. Hold up. MR. KHAN: Yeah. THE COURT: Now, this figure that we're pointing to, Figure 1, what does it depict? Does it depict a cytometer?  MR. KHAN: The full flow cytometer, correct. THE COURT: Okay. All right. Now, where is there scattered light?  MR. KHAN: Scattered light is here. So THE COURT: Hold up. You're just doing that. Just tell me just point. Is it in the objective? MR. KHAN: Correct, Your Honor.	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	talking about when it's trying to capture the scattered light, the scattered light  THE COURT: When the objective is trying to capture. So the objective captures the scattered light?  MR. KHAN: That's exactly what the specification says, Your Honor.  THE COURT: Okay.  MR. KHAN: And I pointed  THE COURT: Does the scattered light leave the objective?  MR. KHAN: The scattered light is yeah, it's captured and then it leaves the objective, yes.  THE COURT: Where does it go to?  MR. KHAN: It then the objective then leads to the WDM.  THE COURT: Right.
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	MR. KHAN: What I'm saying is it's giving you the electrical signals to tell you what's in the flow cell, yes.  So that's why we need THE COURT: Hold up. Hold up. MR. KHAN: Yeah. THE COURT: Now, this figure that we're pointing to, Figure 1, what does it depict? Does it depict a cytometer?  MR. KHAN: The full flow cytometer, correct. THE COURT: Okay. All right. Now, where is there scattered light?  MR. KHAN: Scattered light is here. So THE COURT: Hold up. You're just doing that.  Just tell me just point. Is it in the objective?  MR. KHAN: Correct, Your Honor. THE COURT: It's in the objective.	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	talking about when it's trying to capture the scattered light, the scattered light  THE COURT: When the objective is trying to capture. So the objective captures the scattered light?  MR. KHAN: That's exactly what the specification says, Your Honor.  THE COURT: Okay.  MR. KHAN: And I pointed  THE COURT: Does the scattered light leave the objective?  MR. KHAN: The scattered light is yeah, it's captured and then it leaves the objective, yes.  THE COURT: Where does it go to?  MR. KHAN: It then the objective then leads to the WDM.  THE COURT: Right.  MR. KHAN: To the fiber optic cable.
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	MR. KHAN: What I'm saying is it's giving you the electrical signals to tell you what's in the flow cell, yes.  So that's why we need THE COURT: Hold up. Hold up. MR. KHAN: Yeah. THE COURT: Now, this figure that we're pointing to, Figure 1, what does it depict? Does it depict a cytometer?  MR. KHAN: The full flow cytometer, correct. THE COURT: Okay. All right. Now, where is there scattered light?  MR. KHAN: Scattered light is here. So THE COURT: Hold up. You're just doing that.  Just tell me just point. Is it in the objective?  MR. KHAN: Correct, Your Honor. THE COURT: It's in the objective. MR. KHAN: Yes.	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	talking about when it's trying to capture the scattered light, the scattered light  THE COURT: When the objective is trying to capture. So the objective captures the scattered light?  MR. KHAN: That's exactly what the specification says, Your Honor.  THE COURT: Okay.  MR. KHAN: And I pointed  THE COURT: Does the scattered light leave the objective?  MR. KHAN: The scattered light is yeah, it's captured and then it leaves the objective, yes.  THE COURT: Where does it go to?  MR. KHAN: It then the objective then leads to the WDM.  THE COURT: Right.  MR. KHAN: To the fiber optic cable.  THE COURT: That's what I thought.
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	MR. KHAN: What I'm saying is it's giving you the electrical signals to tell you what's in the flow cell, yes.  So that's why we need THE COURT: Hold up. Hold up. MR. KHAN: Yeah. THE COURT: Now, this figure that we're pointing to, Figure 1, what does it depict? Does it depict a cytometer?  MR. KHAN: The full flow cytometer, correct. THE COURT: Okay. All right. Now, where is there scattered light?  MR. KHAN: Scattered light is here. So THE COURT: Hold up. You're just doing that.  Just tell me just point. Is it in the objective?  MR. KHAN: Correct, Your Honor. THE COURT: It's in the objective.  MR. KHAN: Yes. THE COURT: Is it anywhere else?	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	talking about when it's trying to capture the scattered light, the scattered light  THE COURT: When the objective is trying to capture. So the objective captures the scattered light?  MR. KHAN: That's exactly what the specification says, Your Honor.  THE COURT: Okay.  MR. KHAN: And I pointed  THE COURT: Does the scattered light leave the objective?  MR. KHAN: The scattered light is yeah, it's captured and then it leaves the objective, yes.  THE COURT: Where does it go to?  MR. KHAN: It then the objective then leads to the WDM.  THE COURT: Right.  MR. KHAN: To the fiber optic cable.  THE COURT: That's what I thought.  MR. KHAN: Right.
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	MR. KHAN: What I'm saying is it's giving you the electrical signals to tell you what's in the flow cell, yes.  So that's why we need THE COURT: Hold up. Hold up. MR. KHAN: Yeah. THE COURT: Now, this figure that we're pointing to, Figure 1, what does it depict? Does it depict a cytometer?  MR. KHAN: The full flow cytometer, correct. THE COURT: Okay. All right. Now, where is there scattered light?  MR. KHAN: Scattered light is here. So THE COURT: Hold up. You're just doing that.  Just tell me just point. Is it in the objective?  MR. KHAN: Correct, Your Honor. THE COURT: It's in the objective. MR. KHAN: Yes. THE COURT: Is it anywhere else? MR. KHAN: I don't think there would be	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	talking about when it's trying to capture the scattered light, the scattered light  THE COURT: When the objective is trying to capture. So the objective captures the scattered light?  MR. KHAN: That's exactly what the specification says, Your Honor.  THE COURT: Okay.  MR. KHAN: And I pointed  THE COURT: Does the scattered light leave the objective?  MR. KHAN: The scattered light is yeah, it's captured and then it leaves the objective, yes.  THE COURT: Where does it go to?  MR. KHAN: It then the objective then leads to the WDM.  THE COURT: Right.  MR. KHAN: To the fiber optic cable.  THE COURT: That's what I thought.  MR. KHAN: Right.  MR. KHAN: Right.  THE COURT: And the scattered light, though,
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	MR. KHAN: What I'm saying is it's giving you the electrical signals to tell you what's in the flow cell, yes.  So that's why we need THE COURT: Hold up. Hold up. MR. KHAN: Yeah. THE COURT: Now, this figure that we're pointing to, Figure 1, what does it depict? Does it depict a cytometer?  MR. KHAN: The full flow cytometer, correct. THE COURT: Okay. All right. Now, where is there scattered light?  MR. KHAN: Scattered light is here. So THE COURT: Hold up. You're just doing that.  Just tell me just point. Is it in the objective?  MR. KHAN: Correct, Your Honor. THE COURT: It's in the objective. MR. KHAN: Yes. THE COURT: Is it anywhere else? MR. KHAN: I don't think there would be there might be there's going to be scattered light in	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	talking about when it's trying to capture the scattered light, the scattered light  THE COURT: When the objective is trying to capture. So the objective captures the scattered light?  MR. KHAN: That's exactly what the specification says, Your Honor.  THE COURT: Okay.  MR. KHAN: And I pointed  THE COURT: Does the scattered light leave the objective?  MR. KHAN: The scattered light is yeah, it's captured and then it leaves the objective, yes.  THE COURT: Where does it go to?  MR. KHAN: It then the objective then leads to the WDM.  THE COURT: Right.  MR. KHAN: To the fiber optic cable.  THE COURT: That's what I thought.  MR. KHAN: Right.  THE COURT: And the scattered light, though, exists before the objective. Is that what you're saying?
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	MR. KHAN: What I'm saying is it's giving you the electrical signals to tell you what's in the flow cell, yes.  So that's why we need THE COURT: Hold up. Hold up. MR. KHAN: Yeah. THE COURT: Now, this figure that we're pointing to, Figure 1, what does it depict? Does it depict a cytometer?  MR. KHAN: The full flow cytometer, correct. THE COURT: Okay. All right. Now, where is there scattered light?  MR. KHAN: Scattered light is here. So THE COURT: Hold up. You're just doing that.  Just tell me just point. Is it in the objective?  MR. KHAN: Correct, Your Honor. THE COURT: It's in the objective. MR. KHAN: Yes. THE COURT: Is it anywhere else? MR. KHAN: I don't think there would be	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	talking about when it's trying to capture the scattered light, the scattered light  THE COURT: When the objective is trying to capture. So the objective captures the scattered light?  MR. KHAN: That's exactly what the specification says, Your Honor.  THE COURT: Okay.  MR. KHAN: And I pointed  THE COURT: Does the scattered light leave the objective?  MR. KHAN: The scattered light is yeah, it's captured and then it leaves the objective, yes.  THE COURT: Where does it go to?  MR. KHAN: It then the objective then leads to the WDM.  THE COURT: Right.  MR. KHAN: To the fiber optic cable.  THE COURT: That's what I thought.  MR. KHAN: Right.  MR. KHAN: Right.  THE COURT: And the scattered light, though,

_	Case 1:24-cv-00945-CFC-EGT Document	ment 192-1 #: 13473	Filed 10/24/25 Page 42 of 50 PageID
1	going into the objective, right?	1	yes. Gathers up the scattered light.
2	MR. KHAN: Right.	2	THE COURT: And then the scattered light
3	THE COURT: Yeah. You're saying there's	3	leaves the objective to go to the WDM, right?
4	scattered light in the laser beam?	4	MR. KHAN: Yes.
5	MR. KHAN: It's not going to be in the laser	5	THE COURT: Okay. And then the WDM, now you
6	beam.	6	want to use the word "determines."
7	THE COURT: Okay.	7	What in that, is in that scattered light in
8	MR. KHAN: So when the laser hits a cell,	8	order to determine what is present in the flow cell,
9	that and when it so there's a flow cell, so cells	9	right?
)	are going through the flow cell.	10	MR. KHAN: Right. It's going to the WDM is
L	THE COURT: Yep.	11	converting light into signals, electrical signals.
2	MR. KHAN: And when a laser beam hits a cell,	12	THE COURT: Yep.
3	it's going to create scatter	13	MR. KHAN: That are telling you what's in the
ļ.	THE COURT: Right.	14	cell, right.
5	MR. KHAN: and fluoresces light.	15	THE COURT: Right. And you need that in order
õ	THE COURT: I thought this, but maybe I'm	16	to determine what's in the flow cell? You need that
	wrong. I thought the laser beam hit the cell when the	17	change into electric signals, correct?
3	cell's in the objective?	18	MR. KHAN: In a flow cytometer, yes, Your
)	MR. KHAN: Correct.	19	Honor.
)	THE COURT: Okay.	20	THE COURT: Right.
L	MR. KHAN: Yes.	21	MR. KHAN: Right.
2	THE COURT: So the scattering occurs in the	22	But in the first instance
3	objective?	23	THE COURT: Hold on.
4	MR. KHAN: The scattered light is occurring	24	MR. KHAN: Oh, yes.
5	inside the objective, which collects the scattered light,	25	THE COURT: And where is the flow channel in
1	163 Figure 1?	1	90 is, Your Honor, if we look at it's 28,
2	MR. KHAN: Inside the microscope objective.	2	Column 12.
3	So it's this.	3	THE COURT: Yeah.
Į.	THE COURT: Does it leave it?	4	MR. KHAN: It says Column 8, 9, a wavelength
5	MR. KHAN: Does it leave?	5	division multiplexer 90.
5	THE COURT: You're saying and the flow channel		
		6	THE COURT: Right. Okay.
7	only exists within the objective? Is that what you are	7	1
	only exists within the objective? Is that what you are saying?		
3		7	MR. KHAN: For optically processing scattered
3	saying?	7	MR. KHAN: For optically processing scattered and/or fluoresced light received from the fiber, 852.
3	saying?  MR. KHAN: In the exemplary embodiment, yes,	7 8 9	MR. KHAN: For optically processing scattered and/or fluoresced light received from the fiber, 852.  THE COURT: And it's received from the fiber,
3	saying?  MR. KHAN: In the exemplary embodiment, yes, the flow channel is inside the composite microscope	7 8 9 10	MR. KHAN: For optically processing scattered and/or fluoresced light received from the fiber, 852.  THE COURT: And it's received from the fiber, which is 852.
3 9 0 L	saying?  MR. KHAN: In the exemplary embodiment, yes, the flow channel is inside the composite microscope objective.	7 8 9 10	MR. KHAN: For optically processing scattered and/or fluoresced light received from the fiber, 852.  THE COURT: And it's received from the fiber, which is 852.  MR. KHAN: Yes.
3 9 0 1 2	saying?  MR. KHAN: In the exemplary embodiment, yes, the flow channel is inside the composite microscope objective.  THE COURT: All right. So doesn't include,	7 8 9 10 11 12	MR. KHAN: For optically processing scattered and/or fluoresced light received from the fiber, 852.  THE COURT: And it's received from the fiber, which is 852.  MR. KHAN: Yes.  THE COURT: And so all the scattered light
3 9 0 1 2 3	saying?  MR. KHAN: In the exemplary embodiment, yes, the flow channel is inside the composite microscope objective.  THE COURT: All right. So doesn't include, for instance, the 90, right?	7 8 9 10 11 12 13	MR. KHAN: For optically processing scattered and/or fluoresced light received from the fiber, 852.  THE COURT: And it's received from the fiber, which is 852.  MR. KHAN: Yes.  THE COURT: And so all the scattered light that leaves the objective, goes through that 852 to the
8 9 0 1 2 2 3 4	saying?  MR. KHAN: In the exemplary embodiment, yes, the flow channel is inside the composite microscope objective.  THE COURT: All right. So doesn't include, for instance, the 90, right?  MR. KHAN: It would not.	7 8 9 10 11 12 13	MR. KHAN: For optically processing scattered and/or fluoresced light received from the fiber, 852.  THE COURT: And it's received from the fiber, which is 852.  MR. KHAN: Yes.  THE COURT: And so all the scattered light that leaves the objective, goes through that 852 to the WDM?
33 30 30 31 31 31 31 35 55	saying?  MR. KHAN: In the exemplary embodiment, yes, the flow channel is inside the composite microscope objective.  THE COURT: All right. So doesn't include, for instance, the 90, right?  MR. KHAN: It would not.  THE COURT: You don't think it does. All	7 8 9 10 11 12 13 14	MR. KHAN: For optically processing scattered and/or fluoresced light received from the fiber, 852.  THE COURT: And it's received from the fiber, which is 852.  MR. KHAN: Yes.  THE COURT: And so all the scattered light that leaves the objective, goes through that 852 to the WDM?  MR. KHAN: It should, yes.
	MR. KHAN: In the exemplary embodiment, yes, the flow channel is inside the composite microscope objective.  THE COURT: All right. So doesn't include, for instance, the 90, right?  MR. KHAN: It would not.  THE COURT: You don't think it does. All right.	7 8 9 10 11 12 13 14 15	MR. KHAN: For optically processing scattered and/or fluoresced light received from the fiber, 852.  THE COURT: And it's received from the fiber, which is 852.  MR. KHAN: Yes.  THE COURT: And so all the scattered light that leaves the objective, goes through that 852 to the WDM?  MR. KHAN: It should, yes.  THE COURT: Well, you're counting the 852 as
3 3 3 1 1 7 7	MR. KHAN: In the exemplary embodiment, yes, the flow channel is inside the composite microscope objective.  THE COURT: All right. So doesn't include, for instance, the 90, right?  MR. KHAN: It would not.  THE COURT: You don't think it does. All right.  And then 852, how is 852 different than 90?	7 8 9 10 11 12 13 14 15 16	MR. KHAN: For optically processing scattered and/or fluoresced light received from the fiber, 852.  THE COURT: And it's received from the fiber, which is 852.  MR. KHAN: Yes.  THE COURT: And so all the scattered light that leaves the objective, goes through that 852 to the WDM?  MR. KHAN: It should, yes.  THE COURT: Well, you're counting the 852 as being part of the WDM, I guess. Are you?
33 30 31 31 31 31 31 31 31 31 31 31 31 31 31	MR. KHAN: In the exemplary embodiment, yes, the flow channel is inside the composite microscope objective.  THE COURT: All right. So doesn't include, for instance, the 90, right?  MR. KHAN: It would not.  THE COURT: You don't think it does. All right.  And then 852, how is 852 different than 90?  So you agreed, actually, 90 you agree is the	7 8 9 10 11 12 13 14 15 16 17	MR. KHAN: For optically processing scattered and/or fluoresced light received from the fiber, 852.  THE COURT: And it's received from the fiber, which is 852.  MR. KHAN: Yes.  THE COURT: And so all the scattered light that leaves the objective, goes through that 852 to the WDM?  MR. KHAN: It should, yes.  THE COURT: Well, you're counting the 852 as being part of the WDM, I guess. Are you?  MR. KHAN: The specification considers it as
3 3 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	MR. KHAN: In the exemplary embodiment, yes, the flow channel is inside the composite microscope objective.  THE COURT: All right. So doesn't include, for instance, the 90, right?  MR. KHAN: It would not.  THE COURT: You don't think it does. All right.  And then 852, how is 852 different than 90?  So you agreed, actually, 90 you agree is the WDM?	7 8 9 10 11 12 13 14 15 16 17 18	MR. KHAN: For optically processing scattered and/or fluoresced light received from the fiber, 852.  THE COURT: And it's received from the fiber, which is 852.  MR. KHAN: Yes.  THE COURT: And so all the scattered light that leaves the objective, goes through that 852 to the WDM?  MR. KHAN: It should, yes.  THE COURT: Well, you're counting the 852 as being part of the WDM, I guess. Are you?  MR. KHAN: The specification considers it as part of the WDM, yes.
3 3 1 1 1 3 3 3 3 3 3 3 1 1 1 1 1 1 1 1	MR. KHAN: In the exemplary embodiment, yes, the flow channel is inside the composite microscope objective.  THE COURT: All right. So doesn't include, for instance, the 90, right?  MR. KHAN: It would not.  THE COURT: You don't think it does. All right.  And then 852, how is 852 different than 90?  So you agreed, actually, 90 you agree is the WDM?  MR. KHAN: The fiber optics plus the other	7 8 9 10 11 12 13 14 15 16 17 18 19	MR. KHAN: For optically processing scattered and/or fluoresced light received from the fiber, 852.  THE COURT: And it's received from the fiber, which is 852.  MR. KHAN: Yes.  THE COURT: And so all the scattered light that leaves the objective, goes through that 852 to the WDM?  MR. KHAN: It should, yes.  THE COURT: Well, you're counting the 852 as being part of the WDM, I guess. Are you?  MR. KHAN: The specification considers it as part of the WDM, yes.  THE COURT: Okay.  Mr. Chen, why do you think the person
3 3 1 1 5 5 7 7 3 3 3 9 9 1 1 1 1 1 1 2 2 1 1 1 1 1 1 1 1 1 1	MR. KHAN: In the exemplary embodiment, yes, the flow channel is inside the composite microscope objective.  THE COURT: All right. So doesn't include, for instance, the 90, right?  MR. KHAN: It would not.  THE COURT: You don't think it does. All right.  And then 852, how is 852 different than 90?  So you agreed, actually, 90 you agree is the WDM?  MR. KHAN: The fiber optics plus the other semiconductor components here and the  THE COURT: Yes.	7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	MR. KHAN: For optically processing scattered and/or fluoresced light received from the fiber, 852.  THE COURT: And it's received from the fiber, which is 852.  MR. KHAN: Yes.  THE COURT: And so all the scattered light that leaves the objective, goes through that 852 to the WDM?  MR. KHAN: It should, yes.  THE COURT: Well, you're counting the 852 as being part of the WDM, I guess. Are you?  MR. KHAN: The specification considers it as part of the WDM, yes.  THE COURT: Okay.  Mr. Chen, why do you think the person responsible for drafting this patent chose to use the
7 8 9 0 1 2 3 4 5 6 7 8 9 0 1 2 3 4 5 6 7 8 9 0 1 2 3 4 4 4 4 4 5 6 6 7 8 7 8 8 9 0 1 2 8 4 4 4 4 4 8 7 8 8 8 7 8 8 7 8 4 4 4 4	MR. KHAN: In the exemplary embodiment, yes, the flow channel is inside the composite microscope objective.  THE COURT: All right. So doesn't include, for instance, the 90, right?  MR. KHAN: It would not.  THE COURT: You don't think it does. All right.  And then 852, how is 852 different than 90?  So you agreed, actually, 90 you agree is the WDM?  MR. KHAN: The fiber optics plus the other semiconductor components here and the	7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	MR. KHAN: For optically processing scattered and/or fluoresced light received from the fiber, 852.  THE COURT: And it's received from the fiber, which is 852.  MR. KHAN: Yes.  THE COURT: And so all the scattered light that leaves the objective, goes through that 852 to the WDM?  MR. KHAN: It should, yes.  THE COURT: Well, you're counting the 852 as being part of the WDM, I guess. Are you?  MR. KHAN: The specification considers it as part of the WDM, yes.  THE COURT: Okay.  Mr. Chen, why do you think the person

	Case 1:24-cv-00945-CFC-EGT Docume	ent 192-1 #: 13474	Filed 10/24/25 Page 43 of 50 PageID
1	language which I have up here.	1	I think what counsel said for Beckman Coulter
2	The parties agree that the functions are to	2	actually supports our position in that the there's
3	detect scattered light. Scattered light. And then also	3	another set of detectors in the WDM that performs
4	the second function is that there needs to be an	4	detection. Not all the components, but for example, the
5	outputting based on the detected scattered light, the	5	detectors that detect the fluoresced light
6	light to the WDM via the optical fiber, Your Honor.	6	THE COURT: Right.
7	And so Your Honor is correct to focus on the	7	MR. CHEN: the fluoresced light goes into
8	claim language. And when we look at only the	8	the WDM, into the optical fiber.
9	specification, only the specification, the only	9	THE COURT: Not the scattered light?
10	components that perform detecting are of scattered	10	MR. CHEN: That's right. Not the scattered
11	light.	11	light. So
12	There's as I said at the beginning there's	12	THE COURT: So where does the scattered light
13	both scattered light and fluoresced lights. The only	13	go? I mean, in Figure 1, where does it go?
14	components that detect scattered light, as required in	14	MR. CHEN: Yeah. So Figure 1, which is
15	the claim language, are 408 and 413. That's the forward	15	similar to Figure 31, so if you wouldn't mind, I'll just
16	scatter light detector and the side scatter detector.	16	use Figure 31, Your Honor. It's very similar to
17	And that's in the specification passage at Column 53,	17	Figure 1.
18	Lines 63 to Column 54	18	THE COURT: Okay.
19	THE COURT: And you would agree, they're part	19	MR. CHEN: Okay. So the scattered light, it
20	of the WDM?	20	scatters, and it fluoresces. And the scattered light,
21	MR. CHEN: They are not actually part of	21	there's forward scattered light and side scattered light.
22	the	22	THE COURT: Right.
23	THE COURT: You don't think they are?	23	MR. CHEN: And it's not depicted on this
24	MR. CHEN: They are not, actually, Your Honor,	24	Figure 31, but if you go to Figure 38, it shows that the
25	so I wanted to actually clarify that point.	25	forward scattered light is then going to be reflected off
1	167	1	168
1	of a relay element to the forward scatter detector 408,	1	THE COURT: I get that, but I'm just curious,
2	of a relay element to the forward scatter detector 408, and the side scattered light is going to be side	2	THE COURT: I get that, but I'm just curious, like, why isn't it in the Figure 1 or the Figure 31?
2	of a relay element to the forward scatter detector 408, and the side scattered light is going to be side scattered to a detector 413.	2	THE COURT: I get that, but I'm just curious, like, why isn't it in the Figure 1 or the Figure 31?  MR. CHEN: Yeah, I'm know not sure why the
2 3 4	of a relay element to the forward scatter detector 408, and the side scattered light is going to be side scattered to a detector 413.  THE COURT: Right. But, I mean, it seems to	2 3 4	THE COURT: I get that, but I'm just curious, like, why isn't it in the Figure 1 or the Figure 31?  MR. CHEN: Yeah, I'm know not sure why the patentee didn't include it there.
2 3 4 5	of a relay element to the forward scatter detector 408, and the side scattered light is going to be side scattered to a detector 413.  THE COURT: Right. But, I mean, it seems to me that this figure, is it 31? Where's Figure 31?	2 3 4 5	THE COURT: I get that, but I'm just curious, like, why isn't it in the Figure 1 or the Figure 31?  MR. CHEN: Yeah, I'm know not sure why the patentee didn't include it there.  I think because they're mainly focused on the
2 3 4 5 6	of a relay element to the forward scatter detector 408, and the side scattered light is going to be side scattered to a detector 413.  THE COURT: Right. But, I mean, it seems to me that this figure, is it 31? Where's Figure 31?  MR. CHEN: Yeah, Figure 31.	2 3 4 5	THE COURT: I get that, but I'm just curious, like, why isn't it in the Figure 1 or the Figure 31?  MR. CHEN: Yeah, I'm know not sure why the patentee didn't include it there.  I think because they're mainly focused on the WDM as their alleged invention. They're not as focused
2 3 4 5 6 7	of a relay element to the forward scatter detector 408, and the side scattered light is going to be side scattered to a detector 413.  THE COURT: Right. But, I mean, it seems to me that this figure, is it 31? Where's Figure 31?  MR. CHEN: Yeah, Figure 31.  THE COURT: See, Figure 31, like that's what	2 3 4 5 6 7	THE COURT: I get that, but I'm just curious, like, why isn't it in the Figure 1 or the Figure 31?  MR. CHEN: Yeah, I'm know not sure why the patentee didn't include it there.  I think because they're mainly focused on the WDM as their alleged invention. They're not as focused on the forward scatter detectors or side scatter
2 3 4 5 6 7 8	of a relay element to the forward scatter detector 408, and the side scattered light is going to be side scattered to a detector 413.  THE COURT: Right. But, I mean, it seems to me that this figure, is it 31? Where's Figure 31?  MR. CHEN: Yeah, Figure 31.  THE COURT: See, Figure 31, like that's what they show on the front page of the patent.	2 3 4 5 6 7 8	THE COURT: I get that, but I'm just curious,  like, why isn't it in the Figure 1 or the Figure 31?  MR. CHEN: Yeah, I'm know not sure why the  patentee didn't include it there.  I think because they're mainly focused on the  WDM as their alleged invention. They're not as focused  on the forward scatter detectors or side scatter  detectors, but the claim language says that there are
2 3 4 5 6 7 8	of a relay element to the forward scatter detector 408, and the side scattered light is going to be side scattered to a detector 413.  THE COURT: Right. But, I mean, it seems to me that this figure, is it 31? Where's Figure 31?  MR. CHEN: Yeah, Figure 31.  THE COURT: See, Figure 31, like that's what they show on the front page of the patent.  MR. CHEN: Yeah.	2 3 4 5 6 7 8	THE COURT: I get that, but I'm just curious, like, why isn't it in the Figure 1 or the Figure 31?  MR. CHEN: Yeah, I'm know not sure why the patentee didn't include it there.  I think because they're mainly focused on the WDM as their alleged invention. They're not as focused on the forward scatter detectors or side scatter detectors, but the claim language says that there are optic elements that perform the claimed functions to
2 3 4 5 6 7 8 9	of a relay element to the forward scatter detector 408, and the side scattered light is going to be side scattered to a detector 413.  THE COURT: Right. But, I mean, it seems to me that this figure, is it 31? Where's Figure 31?  MR. CHEN: Yeah, Figure 31.  THE COURT: See, Figure 31, like that's what they show on the front page of the patent.  MR. CHEN: Yeah.  THE COURT: I mean, you think that's the real	2 3 4 5 6 7 8 9	THE COURT: I get that, but I'm just curious, like, why isn't it in the Figure 1 or the Figure 31?  MR. CHEN: Yeah, I'm know not sure why the patentee didn't include it there.  I think because they're mainly focused on the WDM as their alleged invention. They're not as focused on the forward scatter detectors or side scatter detectors, but the claim language says that there are optic elements that perform the claimed functions to detect scattered light, and then also to output that
2 3 4 5 6 7 8 9 10	of a relay element to the forward scatter detector 408, and the side scattered light is going to be side scattered to a detector 413.  THE COURT: Right. But, I mean, it seems to me that this figure, is it 31? Where's Figure 31?  MR. CHEN: Yeah, Figure 31.  THE COURT: See, Figure 31, like that's what they show on the front page of the patent.  MR. CHEN: Yeah.  THE COURT: I mean, you think that's the real invention here.	2 3 4 5 6 7 8 9 10	THE COURT: I get that, but I'm just curious, like, why isn't it in the Figure 1 or the Figure 31?  MR. CHEN: Yeah, I'm know not sure why the patentee didn't include it there.  I think because they're mainly focused on the WDM as their alleged invention. They're not as focused on the forward scatter detectors or side scatter detectors, but the claim language says that there are optic elements that perform the claimed functions to detect scattered light, and then also to output that scattered light to a fiber optic to the WDM, right?
2 3 4 5 6 7 8 9 10 11	of a relay element to the forward scatter detector 408, and the side scattered light is going to be side scattered to a detector 413.  THE COURT: Right. But, I mean, it seems to me that this figure, is it 31? Where's Figure 31?  MR. CHEN: Yeah, Figure 31.  THE COURT: See, Figure 31, like that's what they show on the front page of the patent.  MR. CHEN: Yeah.  THE COURT: I mean, you think that's the real invention here.  MR. CHEN: Yeah.	2 3 4 5 6 7 8 9 10 11	THE COURT: I get that, but I'm just curious, like, why isn't it in the Figure 1 or the Figure 31?  MR. CHEN: Yeah, I'm know not sure why the patentee didn't include it there.  I think because they're mainly focused on the WDM as their alleged invention. They're not as focused on the forward scatter detectors or side scatter detectors, but the claim language says that there are optic elements that perform the claimed functions to detect scattered light, and then also to output that scattered light to a fiber optic to the WDM, right? That's what it says.
2 3 4 5 6 7 8 9 10 11 12 13	of a relay element to the forward scatter detector 408, and the side scattered light is going to be side scattered to a detector 413.  THE COURT: Right. But, I mean, it seems to me that this figure, is it 31? Where's Figure 31?  MR. CHEN: Yeah, Figure 31.  THE COURT: See, Figure 31, like that's what they show on the front page of the patent.  MR. CHEN: Yeah.  THE COURT: I mean, you think that's the real invention here.  MR. CHEN: Yeah.  THE COURT: But I don't see 408, I don't see	2 3 4 5 6 7 8 9 10 11 12 13	THE COURT: I get that, but I'm just curious, like, why isn't it in the Figure 1 or the Figure 31?  MR. CHEN: Yeah, I'm know not sure why the patentee didn't include it there.  I think because they're mainly focused on the WDM as their alleged invention. They're not as focused on the forward scatter detectors or side scatter detectors, but the claim language says that there are optic elements that perform the claimed functions to detect scattered light, and then also to output that scattered light to a fiber optic to the WDM, right? That's what it says.  THE COURT: Uh-huh.
2 3 4 5 6 7 8 9 10 11 12 13 14	of a relay element to the forward scatter detector 408, and the side scattered light is going to be side scattered to a detector 413.  THE COURT: Right. But, I mean, it seems to me that this figure, is it 31? Where's Figure 31?  MR. CHEN: Yeah, Figure 31.  THE COURT: See, Figure 31, like that's what they show on the front page of the patent.  MR. CHEN: Yeah.  THE COURT: I mean, you think that's the real invention here.  MR. CHEN: Yeah.  THE COURT: But I don't see 408, I don't see how they fit in. Where would they fit into this?	2 3 4 5 6 7 8 9 10 11 12 13	THE COURT: I get that, but I'm just curious, like, why isn't it in the Figure 1 or the Figure 31?  MR. CHEN: Yeah, I'm know not sure why the patentee didn't include it there.  I think because they're mainly focused on the WDM as their alleged invention. They're not as focused on the forward scatter detectors or side scatter detectors, but the claim language says that there are optic elements that perform the claimed functions to detect scattered light, and then also to output that scattered light to a fiber optic to the WDM, right? That's what it says.  THE COURT: Uh-huh.  MR. CHEN: Uh-huh.
2 3 4 5 6 7 8 9 10 11 12 13 14	of a relay element to the forward scatter detector 408, and the side scattered light is going to be side scattered to a detector 413.  THE COURT: Right. But, I mean, it seems to me that this figure, is it 31? Where's Figure 31?  MR. CHEN: Yeah, Figure 31.  THE COURT: See, Figure 31, like that's what they show on the front page of the patent.  MR. CHEN: Yeah.  THE COURT: I mean, you think that's the real invention here.  MR. CHEN: Yeah.  THE COURT: But I don't see 408, I don't see how they fit in. Where would they fit into this?  MR. CHEN: Yeah. I mean, where they would fit	2 3 4 5 6 7 8 9 10 11 12 13 14	THE COURT: I get that, but I'm just curious, like, why isn't it in the Figure 1 or the Figure 31?  MR. CHEN: Yeah, I'm know not sure why the patentee didn't include it there.  I think because they're mainly focused on the WDM as their alleged invention. They're not as focused on the forward scatter detectors or side scatter detectors, but the claim language says that there are optic elements that perform the claimed functions to detect scattered light, and then also to output that scattered light to a fiber optic to the WDM, right? That's what it says.  THE COURT: Uh-huh.  MR. CHEN: Uh-huh.  THE COURT: But to be clear, you don't
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	of a relay element to the forward scatter detector 408, and the side scattered light is going to be side scattered to a detector 413.  THE COURT: Right. But, I mean, it seems to me that this figure, is it 31? Where's Figure 31?  MR. CHEN: Yeah, Figure 31.  THE COURT: See, Figure 31, like that's what they show on the front page of the patent.  MR. CHEN: Yeah.  THE COURT: I mean, you think that's the real invention here.  MR. CHEN: Yeah.  THE COURT: But I don't see 408, I don't see how they fit in. Where would they fit into this?  MR. CHEN: Yeah. I mean, where they would fit in, Your Honor, and if you're right that it's	2 3 4 5 6 7 8 9 10 11 12 13 14 15	THE COURT: I get that, but I'm just curious, like, why isn't it in the Figure 1 or the Figure 31?  MR. CHEN: Yeah, I'm know not sure why the patentee didn't include it there.  I think because they're mainly focused on the WDM as their alleged invention. They're not as focused on the forward scatter detectors or side scatter detectors, but the claim language says that there are optic elements that perform the claimed functions to detect scattered light, and then also to output that scattered light to a fiber optic to the WDM, right? That's what it says.  THE COURT: Uh-huh.  MR. CHEN: Uh-huh.  THE COURT: But to be clear, you don't dispute
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	of a relay element to the forward scatter detector 408, and the side scattered light is going to be side scattered to a detector 413.  THE COURT: Right. But, I mean, it seems to me that this figure, is it 31? Where's Figure 31?  MR. CHEN: Yeah, Figure 31.  THE COURT: See, Figure 31, like that's what they show on the front page of the patent.  MR. CHEN: Yeah.  THE COURT: I mean, you think that's the real invention here.  MR. CHEN: Yeah.  THE COURT: But I don't see 408, I don't see how they fit in. Where would they fit into this?  MR. CHEN: Yeah. I mean, where they would fit in, Your Honor, and if you're right that it's Figure 1, I believe, that's shown at the on the face	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	THE COURT: I get that, but I'm just curious, like, why isn't it in the Figure 1 or the Figure 31?  MR. CHEN: Yeah, I'm know not sure why the patentee didn't include it there.  I think because they're mainly focused on the WDM as their alleged invention. They're not as focused on the forward scatter detectors or side scatter detectors, but the claim language says that there are optic elements that perform the claimed functions to detect scattered light, and then also to output that scattered light to a fiber optic to the WDM, right? That's what it says.  THE COURT: Uh-huh.  MR. CHEN: Uh-huh.  THE COURT: But to be clear, you don't dispute  I mean, like, because, for instance, Claim 1
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	of a relay element to the forward scatter detector 408, and the side scattered light is going to be side scattered to a detector 413.  THE COURT: Right. But, I mean, it seems to me that this figure, is it 31? Where's Figure 31?  MR. CHEN: Yeah, Figure 31.  THE COURT: See, Figure 31, like that's what they show on the front page of the patent.  MR. CHEN: Yeah.  THE COURT: I mean, you think that's the real invention here.  MR. CHEN: Yeah.  THE COURT: But I don't see 408, I don't see how they fit in. Where would they fit into this?  MR. CHEN: Yeah. I mean, where they would fit in, Your Honor, and if you're right that it's Figure 1, I believe, that's shown at the on the face of the patent.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	THE COURT: I get that, but I'm just curious, like, why isn't it in the Figure 1 or the Figure 31?  MR. CHEN: Yeah, I'm know not sure why the patentee didn't include it there.  I think because they're mainly focused on the WDM as their alleged invention. They're not as focused on the forward scatter detectors or side scatter detectors, but the claim language says that there are optic elements that perform the claimed functions to detect scattered light, and then also to output that scattered light to a fiber optic to the WDM, right? That's what it says.  THE COURT: Uh-huh.  MR. CHEN: Uh-huh.  THE COURT: But to be clear, you don't dispute  I mean, like, because, for instance, Claim 1 talks about the WDM having a set of detectors.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	of a relay element to the forward scatter detector 408, and the side scattered light is going to be side scattered to a detector 413.  THE COURT: Right. But, I mean, it seems to me that this figure, is it 31? Where's Figure 31?  MR. CHEN: Yeah, Figure 31.  THE COURT: See, Figure 31, like that's what they show on the front page of the patent.  MR. CHEN: Yeah.  THE COURT: I mean, you think that's the real invention here.  MR. CHEN: Yeah.  THE COURT: But I don't see 408, I don't see how they fit in. Where would they fit into this?  MR. CHEN: Yeah. I mean, where they would fit in, Your Honor, and if you're right that it's Figure 1, I believe, that's shown at the on the face of the patent.  THE COURT: Oh, 31. Okay.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	THE COURT: I get that, but I'm just curious,  like, why isn't it in the Figure 1 or the Figure 31?  MR. CHEN: Yeah, I'm know not sure why the  patentee didn't include it there.  I think because they're mainly focused on the  WDM as their alleged invention. They're not as focused  on the forward scatter detectors or side scatter  detectors, but the claim language says that there are  optic elements that perform the claimed functions to  detect scattered light, and then also to output that  scattered light to a fiber optic to the WDM, right?  That's what it says.  THE COURT: Uh-huh.  MR. CHEN: Uh-huh.  I mean, like, because, for instance, Claim 1  talks about the WDM having a set of detectors.  MR. CHEN: Uh-huh.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	of a relay element to the forward scatter detector 408, and the side scattered light is going to be side scattered to a detector 413.  THE COURT: Right. But, I mean, it seems to me that this figure, is it 31? Where's Figure 31?  MR. CHEN: Yeah, Figure 31.  THE COURT: See, Figure 31, like that's what they show on the front page of the patent.  MR. CHEN: Yeah.  THE COURT: I mean, you think that's the real invention here.  MR. CHEN: Yeah.  THE COURT: But I don't see 408, I don't see how they fit in. Where would they fit into this?  MR. CHEN: Yeah. I mean, where they would fit in, Your Honor, and if you're right that it's Figure 1, I believe, that's shown at the on the face of the patent.  THE COURT: Oh, 31. Okay.  MR. CHEN: It's very similar to Figure 31.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	THE COURT: I get that, but I'm just curious,  like, why isn't it in the Figure 1 or the Figure 31?  MR. CHEN: Yeah, I'm know not sure why the  patentee didn't include it there.  I think because they're mainly focused on the  WDM as their alleged invention. They're not as focused  on the forward scatter detectors or side scatter  detectors, but the claim language says that there are  optic elements that perform the claimed functions to  detect scattered light, and then also to output that  scattered light to a fiber optic to the WDM, right?  That's what it says.  THE COURT: Uh-huh.  MR. CHEN: Uh-huh.  I mean, like, because, for instance, Claim 1  talks about the WDM having a set of detectors.  MR. CHEN: Uh-huh.  THE COURT: Not only do you not dispute but
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	of a relay element to the forward scatter detector 408, and the side scattered light is going to be side scattered to a detector 413.  THE COURT: Right. But, I mean, it seems to me that this figure, is it 31? Where's Figure 31?  MR. CHEN: Yeah, Figure 31.  THE COURT: See, Figure 31, like that's what they show on the front page of the patent.  MR. CHEN: Yeah.  THE COURT: I mean, you think that's the real invention here.  MR. CHEN: Yeah.  THE COURT: But I don't see 408, I don't see how they fit in. Where would they fit into this?  MR. CHEN: Yeah. I mean, where they would fit in, Your Honor, and if you're right that it's Figure 1, I believe, that's shown at the on the face of the patent.  THE COURT: Oh, 31. Okay.  MR. CHEN: It's very similar to Figure 31.  It's exactly as Figure 38 describes it, right, the light	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	THE COURT: I get that, but I'm just curious,  like, why isn't it in the Figure 1 or the Figure 31?  MR. CHEN: Yeah, I'm know not sure why the  patentee didn't include it there.  I think because they're mainly focused on the  WDM as their alleged invention. They're not as focused  on the forward scatter detectors or side scatter  detectors, but the claim language says that there are  optic elements that perform the claimed functions to  detect scattered light, and then also to output that  scattered light to a fiber optic to the WDM, right?  That's what it says.  THE COURT: Uh-huh.  MR. CHEN: Uh-huh.  I mean, like, because, for instance, Claim 1  talks about the WDM having a set of detectors.  MR. CHEN: Uh-huh.  THE COURT: Not only do you not dispute but  you're saying, you're telling me don't get misled.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	of a relay element to the forward scatter detector 408, and the side scattered light is going to be side scattered to a detector 413.  THE COURT: Right. But, I mean, it seems to me that this figure, is it 31? Where's Figure 31?  MR. CHEN: Yeah, Figure 31.  THE COURT: See, Figure 31, like that's what they show on the front page of the patent.  MR. CHEN: Yeah.  THE COURT: I mean, you think that's the real invention here.  MR. CHEN: Yeah.  THE COURT: But I don't see 408, I don't see how they fit in. Where would they fit into this?  MR. CHEN: Yeah. I mean, where they would fit in, Your Honor, and if you're right that it's Figure 1, I believe, that's shown at the on the face of the patent.  THE COURT: Oh, 31. Okay.  MR. CHEN: It's very similar to Figure 31.  It's exactly as Figure 38 describes it, right, the light is coming from a laser source, 412, here.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	THE COURT: I get that, but I'm just curious,  like, why isn't it in the Figure 1 or the Figure 31?  MR. CHEN: Yeah, I'm know not sure why the  patentee didn't include it there.  I think because they're mainly focused on the  WDM as their alleged invention. They're not as focused  on the forward scatter detectors or side scatter  detectors, but the claim language says that there are  optic elements that perform the claimed functions to  detect scattered light, and then also to output that  scattered light to a fiber optic to the WDM, right?  That's what it says.  THE COURT: Uh-huh.  MR. CHEN: Uh-huh.  I mean, like, because, for instance, Claim 1  talks about the WDM having a set of detectors.  MR. CHEN: Uh-huh.  THE COURT: Not only do you not dispute but  you're saying, you're telling me don't get misled.  That's got nothing to do with scattered light.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	of a relay element to the forward scatter detector 408, and the side scattered light is going to be side scattered to a detector 413.  THE COURT: Right. But, I mean, it seems to me that this figure, is it 31? Where's Figure 31?  MR. CHEN: Yeah, Figure 31.  THE COURT: See, Figure 31, like that's what they show on the front page of the patent.  MR. CHEN: Yeah.  THE COURT: I mean, you think that's the real invention here.  MR. CHEN: Yeah.  THE COURT: But I don't see 408, I don't see how they fit in. Where would they fit into this?  MR. CHEN: Yeah. I mean, where they would fit in, Your Honor, and if you're right that it's Figure 1, I believe, that's shown at the on the face of the patent.  THE COURT: Oh, 31. Okay.  MR. CHEN: It's very similar to Figure 31.  It's exactly as Figure 38 describes it, right, the light is coming from a laser source, 412, here.  THE COURT: Right.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	THE COURT: I get that, but I'm just curious, like, why isn't it in the Figure 1 or the Figure 31?  MR. CHEN: Yeah, I'm know not sure why the patentee didn't include it there.  I think because they're mainly focused on the WDM as their alleged invention. They're not as focused on the forward scatter detectors or side scatter detectors, but the claim language says that there are optic elements that perform the claimed functions to detect scattered light, and then also to output that scattered light to a fiber optic to the WDM, right? That's what it says.  THE COURT: Uh-huh.  MR. CHEN: Uh-huh.  I mean, like, because, for instance, Claim 1 talks about the WDM having a set of detectors.  MR. CHEN: Uh-huh.  THE COURT: Not only do you not dispute but you're saying, you're telling me don't get misled. That's got nothing to do with scattered light.  The detection of Claim 1 has nothing to do
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	of a relay element to the forward scatter detector 408, and the side scattered light is going to be side scattered to a detector 413.  THE COURT: Right. But, I mean, it seems to me that this figure, is it 31? Where's Figure 31?  MR. CHEN: Yeah, Figure 31.  THE COURT: See, Figure 31, like that's what they show on the front page of the patent.  MR. CHEN: Yeah.  THE COURT: I mean, you think that's the real invention here.  MR. CHEN: Yeah.  THE COURT: But I don't see 408, I don't see how they fit in. Where would they fit into this?  MR. CHEN: Yeah. I mean, where they would fit in, Your Honor, and if you're right that it's Figure 1, I believe, that's shown at the on the face of the patent.  THE COURT: Oh, 31. Okay.  MR. CHEN: It's very similar to Figure 31.  It's exactly as Figure 38 describes it, right, the light is coming from a laser source, 412, here.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	THE COURT: I get that, but I'm just curious,  like, why isn't it in the Figure 1 or the Figure 31?  MR. CHEN: Yeah, I'm know not sure why the  patentee didn't include it there.  I think because they're mainly focused on the  WDM as their alleged invention. They're not as focused  on the forward scatter detectors or side scatter  detectors, but the claim language says that there are  optic elements that perform the claimed functions to  detect scattered light, and then also to output that  scattered light to a fiber optic to the WDM, right?  That's what it says.  THE COURT: Uh-huh.  MR. CHEN: Uh-huh.  I mean, like, because, for instance, Claim 1  talks about the WDM having a set of detectors.  MR. CHEN: Uh-huh.  THE COURT: Not only do you not dispute but  you're saying, you're telling me don't get misled.  That's got nothing to do with scattered light.

	Case 1:24-cv-00945-CFC-EGT Document	192-1 13475	Filed 10/24/25 Page 44 of 50 PageID
1	a separate claim element, for example, in Claim 18 of the	1	MR. KHAN: Sure.
2	'443 patent, there is a separate recitation to detectors	2	THE COURT: Go ahead.
3	that detect fluoresced lights.	3	MR. KHAN: Your Honor, I'm just going to put
4	To be clear, you can have some configurations	4	Figure 1 back up. So if we can go to that.
5	where the scattered light does actually go into the WDM.	5	THE COURT: By the way, I've been saying
6	I'm not saying that's not possible.	6	Figure 1. And when I do it, I was referring to the front
7	But at least based on this example, this	7	page of the patent. I don't know if it's really called
8	exemplary embodiment, this does not appear to be part of	8	Figure 1. I might be wrong.
9	the WDM. It appears to be outside. And there certainly	9	MR. KHAN: It is Figure 1
10	are real-world systems, including Beckman Coulter's,	10	THE COURT: It is? Okay.
11	where the scatter detectors are outside of the WDM.	11	MR. KHAN: of the '582 patent, right.
12	But regardless, it's not the objective.	12	THE COURT: Okay. And it looks a lot like
13	THE COURT: It's not. That's the point.	13	Figure 31.
14	MR. CHEN: Yeah. That's the most important	14	MR. KHAN: It is quite similar
15	point is the objective is not doing any detection	15	THE COURT: Okay.
16	whatsoever. That's not possible.	16	MR. KHAN: in the overall layout.
17	Our position is that an optical element does	17	So, Your Honor, this is the overall layout of
18	not detect, therefore, these terms are indefinite.	18	the system. And what's happening is there's a viewing
19	However, if there is any structure that performs the	19	zone here on the flow cell. The composite microscope
20	claimed functions, it is these detectors, 408 and 413.	20	objective surrounds it.
21	THE COURT: Okay.	21	And what does the specification tell us?
22	All right. Do you want to say anything else?	22	Can we go to 83?
23	MR. CHEN: No, thank you, Your Honor.	23	The specification tells us, and I am quoting
24	THE COURT: All right.	24	here, "The composite microscope objective further
25	You can come up but give me a second.	25	includes a concave mirror configured to gather light
	171		172
1	171 from scattered from or fluoresced by the illuminated	1	172 said, they're sort of an optional component in the
1 2		1 2	
	from scattered from or fluoresced by the illuminated		said, they're sort of an optional component in the
2	from scattered from or fluoresced by the illuminated particle."	2	said, they're sort of an optional component in the system that's basically  THE COURT: What are you reading from, what
2	from scattered from or fluoresced by the illuminated particle."  That is exactly the whole point of the	2	said, they're sort of an optional component in the system that's basically  THE COURT: What are you reading from, what
2 3 4	from scattered from or fluoresced by the illuminated particle."  That is exactly the whole point of the objective is to find the light, to collect the light,	2 3 4	<pre>said, they're sort of an optional component in the system that's basically</pre>
2 3 4 5	from scattered from or fluoresced by the illuminated particle."  That is exactly the whole point of the objective is to find the light, to collect the light, including the scattered light. The specification	2 3 4 5	said, they're sort of an optional component in the system that's basically  THE COURT: What are you reading from, what column?  MR. KHAN: I'm reading from Column 52.
2 3 4 5	from scattered from or fluoresced by the illuminated particle."  That is exactly the whole point of the objective is to find the light, to collect the light, including the scattered light. The specification directly tells you that	2 3 4 5 6	said, they're sort of an optional component in the system that's basically  THE COURT: What are you reading from, what column?  MR. KHAN: I'm reading from Column 52.  THE COURT: Which patent are you on?
2 3 4 5 6 7	from scattered from or fluoresced by the illuminated particle."  That is exactly the whole point of the objective is to find the light, to collect the light, including the scattered light. The specification directly tells you that  THE COURT: It actually doesn't. I'm sorry.	2 3 4 5 6 7	said, they're sort of an optional component in the system that's basically  THE COURT: What are you reading from, what column?  MR. KHAN: I'm reading from Column 52.  THE COURT: Which patent are you on?  MR. KHAN: On the '582 patent.
2 3 4 5 6 7 8	from scattered from or fluoresced by the illuminated particle."  That is exactly the whole point of the objective is to find the light, to collect the light, including the scattered light. The specification directly tells you that  THE COURT: It actually doesn't. I'm sorry. You know what? I mean, I'm not definitely saying you're	2 3 4 5 6 7 8	said, they're sort of an optional component in the system that's basically  THE COURT: What are you reading from, what column?  MR. KHAN: I'm reading from Column 52.  THE COURT: Which patent are you on?  MR. KHAN: On the '582 patent.  THE COURT: All right. And you are on
2 3 4 5 6 7 8	from scattered from or fluoresced by the illuminated particle."  That is exactly the whole point of the objective is to find the light, to collect the light, including the scattered light. The specification directly tells you that  THE COURT: It actually doesn't. I'm sorry. You know what? I mean, I'm not definitely saying you're wrong.	2 3 4 5 6 7 8	said, they're sort of an optional component in the system that's basically  THE COURT: What are you reading from, what column?  MR. KHAN: I'm reading from Column 52.  THE COURT: Which patent are you on?  MR. KHAN: On the '582 patent.  THE COURT: All right. And you are on Column 52?
2 3 4 5 6 7 8 9	from scattered from or fluoresced by the illuminated particle."  That is exactly the whole point of the objective is to find the light, to collect the light, including the scattered light. The specification directly tells you that  THE COURT: It actually doesn't. I'm sorry. You know what? I mean, I'm not definitely saying you're wrong.  MR. KHAN: Right.	2 3 4 5 6 7 8 9	said, they're sort of an optional component in the system that's basically  THE COURT: What are you reading from, what column?  MR. KHAN: I'm reading from Column 52.  THE COURT: Which patent are you on?  MR. KHAN: On the '582 patent.  THE COURT: All right. And you are on  Column 52?  MR. KHAN: Fifty-two.
2 3 4 5 6 7 8 9 10	from scattered from or fluoresced by the illuminated particle."  That is exactly the whole point of the objective is to find the light, to collect the light, including the scattered light. The specification directly tells you that  THE COURT: It actually doesn't. I'm sorry. You know what? I mean, I'm not definitely saying you're wrong.  MR. KHAN: Right.  THE COURT: Why did you use the word "detect"?	2 3 4 5 6 7 8 9 10	said, they're sort of an optional component in the system that's basically  THE COURT: What are you reading from, what column?  MR. KHAN: I'm reading from Column 52.  THE COURT: Which patent are you on?  MR. KHAN: On the '582 patent.  THE COURT: All right. And you are on Column 52?  MR. KHAN: Fifty-two.  THE COURT: Okay.
2 3 4 5 6 7 8 9 10 11 12	from scattered from or fluoresced by the illuminated particle."  That is exactly the whole point of the objective is to find the light, to collect the light, including the scattered light. The specification directly tells you that  THE COURT: It actually doesn't. I'm sorry. You know what? I mean, I'm not definitely saying you're wrong.  MR. KHAN: Right.  THE COURT: Why did you use the word "detect"? I just, I'm trying to figure out why you decided to use	2 3 4 5 6 7 8 9 10 11 12	said, they're sort of an optional component in the system that's basically  THE COURT: What are you reading from, what column?  MR. KHAN: I'm reading from Column 52.  THE COURT: Which patent are you on?  MR. KHAN: On the '582 patent.  THE COURT: All right. And you are on Column 52?  MR. KHAN: Fifty-two.  THE COURT: Okay.  MR. KHAN: And just to discuss Figure 37,
2 3 4 5 6 7 8 9 10 11 12 13	from scattered from or fluoresced by the illuminated particle."  That is exactly the whole point of the objective is to find the light, to collect the light, including the scattered light. The specification directly tells you that  THE COURT: It actually doesn't. I'm sorry. You know what? I mean, I'm not definitely saying you're wrong.  MR. KHAN: Right.  THE COURT: Why did you use the word "detect"?  I just, I'm trying to figure out why you decided to use "detect." Especially when, do you dispute 408 and 413	2 3 4 5 6 7 8 9 10 11 12	said, they're sort of an optional component in the system that's basically  THE COURT: What are you reading from, what column?  MR. KHAN: I'm reading from Column 52.  THE COURT: Which patent are you on?  MR. KHAN: On the '582 patent.  THE COURT: All right. And you are on  Column 52?  MR. KHAN: Fifty-two.  THE COURT: Okay.  MR. KHAN: And just to discuss Figure 37, which is, I think, what most of what they've been
2 3 4 5 6 7 8 9 10 11 12 13	from scattered from or fluoresced by the illuminated particle."  That is exactly the whole point of the objective is to find the light, to collect the light, including the scattered light. The specification directly tells you that  THE COURT: It actually doesn't. I'm sorry. You know what? I mean, I'm not definitely saying you're wrong.  MR. KHAN: Right.  THE COURT: Why did you use the word "detect"? I just, I'm trying to figure out why you decided to use "detect." Especially when, do you dispute 408 and 413 are detectors?	2 3 4 5 6 7 8 9 10 11 12 13	said, they're sort of an optional component in the system that's basically  THE COURT: What are you reading from, what column?  MR. KHAN: I'm reading from Column 52.  THE COURT: Which patent are you on?  MR. KHAN: On the '582 patent.  THE COURT: All right. And you are on Column 52?  MR. KHAN: Fifty-two.  THE COURT: Okay.  MR. KHAN: And just to discuss Figure 37, which is, I think, what most of what they've been pointing to. And the elements are 408 and
2 3 4 5 6 7 8 9 10 11 12 13 14	from scattered from or fluoresced by the illuminated particle."  That is exactly the whole point of the objective is to find the light, to collect the light, including the scattered light. The specification directly tells you that  THE COURT: It actually doesn't. I'm sorry. You know what? I mean, I'm not definitely saying you're wrong.  MR. KHAN: Right.  THE COURT: Why did you use the word "detect"? I just, I'm trying to figure out why you decided to use "detect." Especially when, do you dispute 408 and 413 are detectors?  MR. KHAN: We don't dispute that they're	2 3 4 5 6 7 8 9 10 11 12 13 14	said, they're sort of an optional component in the system that's basically  THE COURT: What are you reading from, what column?  MR. KHAN: I'm reading from Column 52.  THE COURT: Which patent are you on?  MR. KHAN: On the '582 patent.  THE COURT: All right. And you are on  Column 52?  MR. KHAN: Fifty-two.  THE COURT: Okay.  MR. KHAN: And just to discuss Figure 37, which is, I think, what most of what they've been pointing to. And the elements are 408 and  THE COURT: Yeah, by the way, before you go
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	from scattered from or fluoresced by the illuminated particle."  That is exactly the whole point of the objective is to find the light, to collect the light, including the scattered light. The specification directly tells you that  THE COURT: It actually doesn't. I'm sorry. You know what? I mean, I'm not definitely saying you're wrong.  MR. KHAN: Right.  THE COURT: Why did you use the word "detect"? I just, I'm trying to figure out why you decided to use "detect." Especially when, do you dispute 408 and 413 are detectors?  MR. KHAN: We don't dispute that they're detectors, Your Honor, but I haven't	2 3 4 5 6 7 8 9 10 11 12 13 14 15	said, they're sort of an optional component in the system that's basically  THE COURT: What are you reading from, what  column?  MR. KHAN: I'm reading from Column 52.  THE COURT: Which patent are you on?  MR. KHAN: On the '582 patent.  THE COURT: All right. And you are on  Column 52?  MR. KHAN: Fifty-two.  THE COURT: Okay.  MR. KHAN: And just to discuss Figure 37,  which is, I think, what most of what they've been  pointing to. And the elements are 408 and  THE COURT: Yeah, by the way, before you go  further, what's 45? I could not find 45 in the patent
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	from scattered from or fluoresced by the illuminated particle."  That is exactly the whole point of the objective is to find the light, to collect the light, including the scattered light. The specification directly tells you that  THE COURT: It actually doesn't. I'm sorry. You know what? I mean, I'm not definitely saying you're wrong.  MR. KHAN: Right.  THE COURT: Why did you use the word "detect"?  I just, I'm trying to figure out why you decided to use "detect." Especially when, do you dispute 408 and 413 are detectors?  MR. KHAN: We don't dispute that they're detectors, Your Honor, but I haven't  THE COURT: I mean, isn't that a problem for	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	said, they're sort of an optional component in the system that's basically  THE COURT: What are you reading from, what column?  MR. KHAN: I'm reading from Column 52.  THE COURT: Which patent are you on?  MR. KHAN: On the '582 patent.  THE COURT: All right. And you are on  Column 52?  MR. KHAN: Fifty-two.  THE COURT: Okay.  MR. KHAN: And just to discuss Figure 37, which is, I think, what most of what they've been pointing to. And the elements are 408 and  THE COURT: Yeah, by the way, before you go further, what's 45? I could not find 45 in the patent anywhere. It says 45, right?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	from scattered from or fluoresced by the illuminated particle."  That is exactly the whole point of the objective is to find the light, to collect the light, including the scattered light. The specification directly tells you that  THE COURT: It actually doesn't. I'm sorry. You know what? I mean, I'm not definitely saying you're wrong.  MR. KHAN: Right.  THE COURT: Why did you use the word "detect"? I just, I'm trying to figure out why you decided to use "detect." Especially when, do you dispute 408 and 413 are detectors?  MR. KHAN: We don't dispute that they're detectors, Your Honor, but I haven't  THE COURT: I mean, isn't that a problem for you?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	said, they're sort of an optional component in the system that's basically  THE COURT: What are you reading from, what  column?  MR. KHAN: I'm reading from Column 52.  THE COURT: Which patent are you on?  MR. KHAN: On the '582 patent.  THE COURT: All right. And you are on  Column 52?  MR. KHAN: Fifty-two.  THE COURT: Okay.  MR. KHAN: And just to discuss Figure 37,  which is, I think, what most of what they've been  pointing to. And the elements are 408 and  THE COURT: Yeah, by the way, before you go  further, what's 45? I could not find 45 in the patent  anywhere. It says 45, right?  MR. KHAN: This is exactly what Figure 37 is,
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	from scattered from or fluoresced by the illuminated particle."  That is exactly the whole point of the objective is to find the light, to collect the light, including the scattered light. The specification directly tells you that  THE COURT: It actually doesn't. I'm sorry. You know what? I mean, I'm not definitely saying you're wrong.  MR. KHAN: Right.  THE COURT: Why did you use the word "detect"? I just, I'm trying to figure out why you decided to use "detect." Especially when, do you dispute 408 and 413 are detectors?  MR. KHAN: We don't dispute that they're detectors, Your Honor, but I haven't  THE COURT: I mean, isn't that a problem for you?  MR. KHAN: Well	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	said, they're sort of an optional component in the system that's basically  THE COURT: What are you reading from, what  column?  MR. KHAN: I'm reading from Column 52.  THE COURT: Which patent are you on?  MR. KHAN: On the '582 patent.  THE COURT: All right. And you are on  Column 52?  MR. KHAN: Fifty-two.  THE COURT: Okay.  MR. KHAN: And just to discuss Figure 37,  which is, I think, what most of what they've been  pointing to. And the elements are 408 and  THE COURT: Yeah, by the way, before you go  further, what's 45? I could not find 45 in the patent  anywhere. It says 45, right?  MR. KHAN: This is exactly what Figure 37 is,  what they have been pointing to.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	from scattered from or fluoresced by the illuminated particle."  That is exactly the whole point of the objective is to find the light, to collect the light, including the scattered light. The specification directly tells you that  THE COURT: It actually doesn't. I'm sorry. You know what? I mean, I'm not definitely saying you're wrong.  MR. KHAN: Right.  THE COURT: Why did you use the word "detect"?  I just, I'm trying to figure out why you decided to use "detect." Especially when, do you dispute 408 and 413 are detectors?  MR. KHAN: We don't dispute that they're detectors, Your Honor, but I haven't  THE COURT: I mean, isn't that a problem for you?  MR. KHAN: Well  THE COURT: Do they detect scattered light?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	said, they're sort of an optional component in the system that's basically  THE COURT: What are you reading from, what  column?  MR. KHAN: I'm reading from Column 52.  THE COURT: Which patent are you on?  MR. KHAN: On the '582 patent.  THE COURT: All right. And you are on  Column 52?  MR. KHAN: Fifty-two.  THE COURT: Okay.  MR. KHAN: And just to discuss Figure 37,  which is, I think, what most of what they've been  pointing to. And the elements are 408 and  THE COURT: Yeah, by the way, before you go  further, what's 45? I could not find 45 in the patent  anywhere. It says 45, right?  MR. KHAN: This is exactly what Figure 37 is,  what they have been pointing to.  THE COURT: Well, wait. So go look at
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	from scattered from or fluoresced by the illuminated particle."  That is exactly the whole point of the objective is to find the light, to collect the light, including the scattered light. The specification directly tells you that  THE COURT: It actually doesn't. I'm sorry. You know what? I mean, I'm not definitely saying you're wrong.  MR. KHAN: Right.  THE COURT: Why did you use the word "detect"? I just, I'm trying to figure out why you decided to use "detect." Especially when, do you dispute 408 and 413 are detectors?  MR. KHAN: We don't dispute that they're detectors, Your Honor, but I haven't  THE COURT: I mean, isn't that a problem for you?  MR. KHAN: Well  THE COURT: Do they detect scattered light?  MR. KHAN: They are part of they are	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	said, they're sort of an optional component in the system that's basically  THE COURT: What are you reading from, what  column?  MR. KHAN: I'm reading from Column 52.  THE COURT: Which patent are you on?  MR. KHAN: On the '582 patent.  THE COURT: All right. And you are on  Column 52?  MR. KHAN: Fifty-two.  THE COURT: Okay.  MR. KHAN: And just to discuss Figure 37,  which is, I think, what most of what they've been  pointing to. And the elements are 408 and  THE COURT: Yeah, by the way, before you go  further, what's 45? I could not find 45 in the patent  anywhere. It says 45, right?  MR. KHAN: This is exactly what Figure 37 is,  what they have been pointing to.  THE COURT: Well, wait. So go look at  You help me out. I don't see a 45 in
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	from scattered from or fluoresced by the illuminated particle."  That is exactly the whole point of the objective is to find the light, to collect the light, including the scattered light. The specification directly tells you that  THE COURT: It actually doesn't. I'm sorry. You know what? I mean, I'm not definitely saying you're wrong.  MR. KHAN: Right.  THE COURT: Why did you use the word "detect"? I just, I'm trying to figure out why you decided to use "detect." Especially when, do you dispute 408 and 413 are detectors?  MR. KHAN: We don't dispute that they're detectors, Your Honor, but I haven't  THE COURT: I mean, isn't that a problem for you?  MR. KHAN: Well  THE COURT: Do they detect scattered light?  MR. KHAN: They are part of they are forward scatter they are different components in the	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	said, they're sort of an optional component in the system that's basically  THE COURT: What are you reading from, what  column?  MR. KHAN: I'm reading from Column 52.  THE COURT: Which patent are you on?  MR. KHAN: On the '582 patent.  THE COURT: All right. And you are on  Column 52?  MR. KHAN: Fifty-two.  THE COURT: Okay.  MR. KHAN: And just to discuss Figure 37,  which is, I think, what most of what they've been  pointing to. And the elements are 408 and  THE COURT: Yeah, by the way, before you go  further, what's 45? I could not find 45 in the patent  anywhere. It says 45, right?  MR. KHAN: This is exactly what Figure 37 is,  what they have been pointing to.  THE COURT: Well, wait. So go look at  You help me out. I don't see a 45 in  Figure 37. My clerk and I were, like, knocking our
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	from scattered from or fluoresced by the illuminated particle."  That is exactly the whole point of the objective is to find the light, to collect the light, including the scattered light. The specification directly tells you that  THE COURT: It actually doesn't. I'm sorry. You know what? I mean, I'm not definitely saying you're wrong.  MR. KHAN: Right.  THE COURT: Why did you use the word "detect"? I just, I'm trying to figure out why you decided to use "detect." Especially when, do you dispute 408 and 413 are detectors?  MR. KHAN: We don't dispute that they're detectors, Your Honor, but I haven't  THE COURT: I mean, isn't that a problem for you?  MR. KHAN: Well  THE COURT: Do they detect scattered light?  MR. KHAN: They are part of they are forward scatter they are different components in the system.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	said, they're sort of an optional component in the system that's basically  THE COURT: What are you reading from, what column?  MR. KHAN: I'm reading from Column 52.  THE COURT: Which patent are you on?  MR. KHAN: On the '582 patent.  THE COURT: All right. And you are on  Column 52?  MR. KHAN: Fifty-two.  THE COURT: Okay.  MR. KHAN: And just to discuss Figure 37,  which is, I think, what most of what they've been pointing to. And the elements are 408 and  THE COURT: Yeah, by the way, before you go further, what's 45? I could not find 45 in the patent anywhere. It says 45, right?  MR. KHAN: This is exactly what Figure 37 is, what they have been pointing to.  THE COURT: Well, wait. So go look at  You help me out. I don't see a 45 in  Figure 37. My clerk and I were, like, knocking our heads.

	Case 1:24-cv-00945-CFC-EGT Document	192-1 13476	Filed 10/24/25 Page 45 of 50 PageID
1	THE COURT: Well, can you show me? We	1	embodiments of the
2	couldn't find it.	2	THE COURT: Well, when you say it's optional,
3	MR. KHAN: Yeah.	3	maybe it's what's being claimed in Claim 13, I mean, for
4	THE COURT: Just go to Figure 37.	4	all I know.
5	(Speaking simultaneously.)	5	MR. KHAN: I think, Your Honor if we can go
6	THE COURT: I don't see a 45.	6	back to the slide.
7	MR. KHAN: Yeah. I think you might be right,	7	To me, Your Honor, it does just come down to
8	Your Honor. There may not be	8	the word "detect." And I think if detection requires
9	THE COURT: How much do you guys pay your	9	conversion into a signal, it's true that the objective
10	patent examiners? I mean, you know	10	doesn't do that.
11	MR. KHAN: I think you're right. You're	11	But I don't think that's what detect means.
12	right, Your Honor.	12	And indefiniteness is a really high bar.
13	THE COURT: So 45 doesn't mean anything even	13	THE COURT: Hold on. Hold on.
14	though you referred to it a bunch of times?	14	But you've got an actual disclosure in the
15	MR. KHAN: Well, it's described insofar as it	15	patent that you've just pointed to, which it actually
16	needs a number, and so then it's used throughout to talk	16	defines as a, quote, "axial light loss detection
17	about. But it's basically, Your Honor, it's an axial	17	system."
18	loss detention system.	18	MR. KHAN: Yes, Your Honor.
19	THE COURT: Right.	19	THE COURT: You would think that light loss
20	MR. KHAN: So it's separate from the gathering	20	might cover scattered light. Seems pretty reasonable to
21	of the scattered light that the composite microscope	21	infer, right?
22	objective.	22	MR. KHAN: No doubt, Your Honor.
23	It's not core to the to what's going on in	23	THE COURT: Okay. So no doubt. That's good.
24	the patent, essentially. It's an optional system. In	24	Then it says, so if you want to see a diagram
25	fact, it's even described as "in accordance with some	25	of that, that system, look at Page 37 and it's labeled
	175		176
1	45.	1	light. It didn't say gathering, it says detecting it.
2	I look at 37, I don't see anything.	2	MR. KHAN: In the claim, yes, Your Honor,
3	But I'm guessing because Figure 37 is, in	3	right.
4	fact, the axial light loss detection system that's being	4	THE COURT: Yeah. But that's what I've got to
5	discussed.	5	go by is what's in the claim.
6	MR. KHAN: I believe it is, Your Honor.	6	All right. Defendant, are you good with the
7	THE COURT: Okay. And that apparently is in	7	corresponding structure? What do you think the
8	accordance with some embodiments in the present	8	corresponding structure should be?
9	disclosure, right?	9	MR. CHEN: Our position, Your Honor, is that
10	MR. KHAN: Yes.	10	it should be indefinite.
11	THE COURT: Okay. Now, why isn't that what's	11	THE COURT: Yeah.
12	claimed in Claim 13 of the '443 patent?	12	MR. CHEN: But if it's not indefinite, then
13	MR. KHAN: Your Honor, that's because it's an	13	the corresponding structure has to be the specific 408
14	optical it needs to be an optical element.	14	and 413 detectors disclosed in the specification for
15	THE COURT: Yeah. But, I mean, you said that	15	detecting scattered light.
16	an optical element can include a concave mirror, right,	16	THE COURT: Yeah. All right. Hold on one
17	or lens, right?	17	second.
18	I mean, can't an optical element include	18	MR. KHAN: Your Honor go ahead.
19	I mean, what doesn't it include? I mean,	19	THE COURT: Hold on a second.
20	what precludes it from including 408 and 412 in	20	Go ahead, Mr. Khan.
21	Figure 37?	21	MR. KHAN: Your Honor, it just can't be those
22	MR. KHAN: Because it's the element that's	22	detectors. And I'm going to show you why. And here it
23	core and responsible for gathering light in the first	23	is.
24	instance. Gathering the scattered light	24	Here's Claim 18, one of the claims that
25	THE COURT: No, it's detecting the scattered	25	they're seeking to construe, right. And one or more

	Case 1:24-cv-00945-CFC-EGT	192-1 13477	Filed 10/24/25 Page 46 of 50 PageID
1	optical fibers. Each optical fiber configured to	1	claims, and I'm on Claim 13. And so I'm looking at the
2	receive light from the optical element.	2	corresponding structure to Claim 13.
3	So the optical element is providing the light	3	I mean, maybe you don't dispute it. I mean,
4	to the fiber. If	4	it makes sense to me that it's 408 and it's 413 is the
5	THE COURT: Well, time out. Time out.	5	corresponding structure to Claim 13.
6	So I'm construing Claim 13 right now, optical	6	Do you dispute that?
7	element.	7	MR. KHAN: We do, Your Honor.
8	MR. KHAN: This is one of the terms that	8	THE COURT: Okay. Well, then, I need to take
9	it's 13, 17, and 18.	9	a little bit of a time out, and I will come back.
10	THE COURT: No, time out.	10	MR. KHAN: Okay.
11	Right. But I actually think we have to go	11	THE COURT: But I am only, right now, looking
12	claim by claim. And I thought you even said that. You	12	at Claim 13. And I am going to take like five minutes,
13	said if I'm going to go means-plus-function, then we	13	that's it, and then we're going to have to end pretty
14	have to go claim by claim. I actually agree with you.	14	soon and we're just not going to finish today. We'll
15	MR. KHAN: I misunderstood.	15	talk about what to do about that. All right.
16	THE COURT: I'm on Claim 13.	16	(Whereupon, a recess was taken.)
17	MR. KHAN: I see. I misunderstood, Your	17	THE COURT: Have a seat.
18	Honor.	18	All right. So for Claim 13, I studied the
19	So I thought we were talking about 13, 17,	19	language. I think the only possible corresponding
20	and 18 as a group. But	20	structure for Claim 13 would be 408 and 413.
21	THE COURT: I don't think so. I mean, I think	21	Did I get the numbers, right? Just to make
22	the whole point is, I think optical element is a nonce	22	sure. Yes. Okay.
23	word. I mean, well, element is.	23	I have not been persuaded by the plaintiff
24	And I think, that's why, precisely, I think	24	that collecting or gathering constitutes detection, but
25	it's really a functional claim. They are all functional	25	the patent, the claims, distinguish the claims, and
	179		180
1	especially if you look at Claim 1, I think it's	1	you suggested.
2	especially if you look at Claim 1, I think it's undisputed that 408, 413, and the WDM detect. And so	2	you suggested.  THE COURT: Okay. All right. And then, so
	especially if you look at Claim 1, I think it's undisputed that 408, 413, and the WDM detect. And so that's the only possible corresponding structure I can	2	you suggested.  THE COURT: Okay. All right. And then, so let's talk about what's the best way to proceed, given
2 3 4	especially if you look at Claim 1, I think it's undisputed that 408, 413, and the WDM detect. And so that's the only possible corresponding structure I can see with 413. Sorry, with Claim 13.	2 3 4	you suggested.  THE COURT: Okay. All right. And then, so let's talk about what's the best way to proceed, given this.
2 3 4 5	especially if you look at Claim 1, I think it's undisputed that 408, 413, and the WDM detect. And so that's the only possible corresponding structure I can see with 413. Sorry, with Claim 13.  Okay. Now, the problem becomes, as I look at	2 3 4 5	you suggested.  THE COURT: Okay. All right. And then, so let's talk about what's the best way to proceed, given this.  Where are you in terms of the case, Mr. Chen?
2 3 4 5	especially if you look at Claim 1, I think it's undisputed that 408, 413, and the WDM detect. And so that's the only possible corresponding structure I can see with 413. Sorry, with Claim 13.  Okay. Now, the problem becomes, as I look at the other claims, I can't even come up with a structure.	2 3 4 5	you suggested.  THE COURT: Okay. All right. And then, so let's talk about what's the best way to proceed, given this.  Where are you in terms of the case, Mr. Chen?  MR. CHEN: Your Honor, I don't think the rest
2 3 4 5 6	especially if you look at Claim 1, I think it's undisputed that 408, 413, and the WDM detect. And so that's the only possible corresponding structure I can see with 413. Sorry, with Claim 13.  Okay. Now, the problem becomes, as I look at the other claims, I can't even come up with a structure.  But, again, especially, you know, I'll give you a chance	2 3 4 5 6 7	you suggested.  THE COURT: Okay. All right. And then, so let's talk about what's the best way to proceed, given this.  Where are you in terms of the case, Mr. Chen?  MR. CHEN: Your Honor, I don't think the rest of the case schedule is going to be feasible given what
2 3 4 5 6 7 8	especially if you look at Claim 1, I think it's undisputed that 408, 413, and the WDM detect. And so that's the only possible corresponding structure I can see with 413. Sorry, with Claim 13.  Okay. Now, the problem becomes, as I look at the other claims, I can't even come up with a structure. But, again, especially, you know, I'll give you a chance to just brief that question only, the corresponding	2 3 4 5 6 7 8	you suggested.  THE COURT: Okay. All right. And then, so let's talk about what's the best way to proceed, given this.  Where are you in terms of the case, Mr. Chen?  MR. CHEN: Your Honor, I don't think the rest of the case schedule is going to be feasible given what we have coming up.
2 3 4 5 6 7 8	especially if you look at Claim 1, I think it's undisputed that 408, 413, and the WDM detect. And so that's the only possible corresponding structure I can see with 413. Sorry, with Claim 13.  Okay. Now, the problem becomes, as I look at the other claims, I can't even come up with a structure. But, again, especially, you know, I'll give you a chance to just brief that question only, the corresponding structure on the remaining claims that claim an optical	2 3 4 5 6 7 8	you suggested.  THE COURT: Okay. All right. And then, so let's talk about what's the best way to proceed, given this.  Where are you in terms of the case, Mr. Chen?  MR. CHEN: Your Honor, I don't think the rest of the case schedule is going to be feasible given what we have coming up.  So we are supposed to have a narrowing of
2 3 4 5 6 7 8 9	especially if you look at Claim 1, I think it's undisputed that 408, 413, and the WDM detect. And so that's the only possible corresponding structure I can see with 413. Sorry, with Claim 13.  Okay. Now, the problem becomes, as I look at the other claims, I can't even come up with a structure. But, again, especially, you know, I'll give you a chance to just brief that question only, the corresponding structure on the remaining claims that claim an optical element.	2 3 4 5 6 7 8 9	you suggested.  THE COURT: Okay. All right. And then, so let's talk about what's the best way to proceed, given this.  Where are you in terms of the case, Mr. Chen?  MR. CHEN: Your Honor, I don't think the rest of the case schedule is going to be feasible given what we have coming up.  So we are supposed to have a narrowing of claims 21 days after a Markman order. We've got close
2 3 4 5 6 7 8 9 10	especially if you look at Claim 1, I think it's undisputed that 408, 413, and the WDM detect. And so that's the only possible corresponding structure I can see with 413. Sorry, with Claim 13.  Okay. Now, the problem becomes, as I look at the other claims, I can't even come up with a structure. But, again, especially, you know, I'll give you a chance to just brief that question only, the corresponding structure on the remaining claims that claim an optical element.  And I've got to say, from studying the	2 3 4 5 6 7 8 9 10	you suggested.  THE COURT: Okay. All right. And then, so let's talk about what's the best way to proceed, given this.  Where are you in terms of the case, Mr. Chen?  MR. CHEN: Your Honor, I don't think the rest of the case schedule is going to be feasible given what we have coming up.  So we are supposed to have a narrowing of claims 21 days after a Markman order. We've got close of fact discovery October 8. That's coming up quickly.
2 3 4 5 6 7 8 9 10 11	especially if you look at Claim 1, I think it's undisputed that 408, 413, and the WDM detect. And so that's the only possible corresponding structure I can see with 413. Sorry, with Claim 13.  Okay. Now, the problem becomes, as I look at the other claims, I can't even come up with a structure. But, again, especially, you know, I'll give you a chance to just brief that question only, the corresponding structure on the remaining claims that claim an optical element.  And I've got to say, from studying the claims, I'm inclined to conclude there is no	2 3 4 5 6 7 8 9 10 11	you suggested.  THE COURT: Okay. All right. And then, so let's talk about what's the best way to proceed, given this.  Where are you in terms of the case, Mr. Chen?  MR. CHEN: Your Honor, I don't think the rest of the case schedule is going to be feasible given what we have coming up.  So we are supposed to have a narrowing of claims 21 days after a Markman order. We've got close of fact discovery October 8. That's coming up quickly. Expert reports are supposed to be November 5, and then
2 3 4 5 6 7 8 9 10 11 12 13	especially if you look at Claim 1, I think it's undisputed that 408, 413, and the WDM detect. And so that's the only possible corresponding structure I can see with 413. Sorry, with Claim 13.  Okay. Now, the problem becomes, as I look at the other claims, I can't even come up with a structure. But, again, especially, you know, I'll give you a chance to just brief that question only, the corresponding structure on the remaining claims that claim an optical element.  And I've got to say, from studying the claims, I'm inclined to conclude there is no corresponding structure that I see.	2 3 4 5 6 7 8 9 10 11 12 13	you suggested.  THE COURT: Okay. All right. And then, so let's talk about what's the best way to proceed, given this.  Where are you in terms of the case, Mr. Chen?  MR. CHEN: Your Honor, I don't think the rest of the case schedule is going to be feasible given what we have coming up.  So we are supposed to have a narrowing of claims 21 days after a Markman order. We've got close of fact discovery October 8. That's coming up quickly. Expert reports are supposed to be November 5, and then trial is August of 2026, Your Honor, so
2 3 4 5 6 7 8 9 10 11 12 13	especially if you look at Claim 1, I think it's undisputed that 408, 413, and the WDM detect. And so that's the only possible corresponding structure I can see with 413. Sorry, with Claim 13.  Okay. Now, the problem becomes, as I look at the other claims, I can't even come up with a structure. But, again, especially, you know, I'll give you a chance to just brief that question only, the corresponding structure on the remaining claims that claim an optical element.  And I've got to say, from studying the claims, I'm inclined to conclude there is no corresponding structure that I see.  All right. Now, folks probably know, I	2 3 4 5 6 7 8 9 10 11 12 13	you suggested.  THE COURT: Okay. All right. And then, so let's talk about what's the best way to proceed, given this.  Where are you in terms of the case, Mr. Chen?  MR. CHEN: Your Honor, I don't think the rest of the case schedule is going to be feasible given what we have coming up.  So we are supposed to have a narrowing of claims 21 days after a Markman order. We've got close of fact discovery October 8. That's coming up quickly. Expert reports are supposed to be November 5, and then trial is August of 2026, Your Honor, so —  THE COURT: Well, that should not have to
2 3 4 5 6 7 8 9 10 11 12 13 14 15	especially if you look at Claim 1, I think it's undisputed that 408, 413, and the WDM detect. And so that's the only possible corresponding structure I can see with 413. Sorry, with Claim 13.  Okay. Now, the problem becomes, as I look at the other claims, I can't even come up with a structure. But, again, especially, you know, I'll give you a chance to just brief that question only, the corresponding structure on the remaining claims that claim an optical element.  And I've got to say, from studying the claims, I'm inclined to conclude there is no corresponding structure that I see.  All right. Now, folks probably know, I normally start my Markman hearings at 9:00 for a reason,	2 3 4 5 6 7 8 9 10 11 12 13 14	THE COURT: Okay. All right. And then, so let's talk about what's the best way to proceed, given this.  Where are you in terms of the case, Mr. Chen?  MR. CHEN: Your Honor, I don't think the rest of the case schedule is going to be feasible given what we have coming up.  So we are supposed to have a narrowing of claims 21 days after a Markman order. We've got close of fact discovery October 8. That's coming up quickly. Expert reports are supposed to be November 5, and then trial is August of 2026, Your Honor, so  THE COURT: Well, that should not have to move.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	especially if you look at Claim 1, I think it's undisputed that 408, 413, and the WDM detect. And so that's the only possible corresponding structure I can see with 413. Sorry, with Claim 13.  Okay. Now, the problem becomes, as I look at the other claims, I can't even come up with a structure. But, again, especially, you know, I'll give you a chance to just brief that question only, the corresponding structure on the remaining claims that claim an optical element.  And I've got to say, from studying the claims, I'm inclined to conclude there is no corresponding structure that I see.  All right. Now, folks probably know, I normally start my Markman hearings at 9:00 for a reason, not 1:00, so we didn't finish.	2 3 4 5 6 7 8 9 10 11 12 13 14 15	you suggested.  THE COURT: Okay. All right. And then, so let's talk about what's the best way to proceed, given this.  Where are you in terms of the case, Mr. Chen?  MR. CHEN: Your Honor, I don't think the rest of the case schedule is going to be feasible given what we have coming up.  So we are supposed to have a narrowing of claims 21 days after a Markman order. We've got close of fact discovery October 8. That's coming up quickly. Expert reports are supposed to be November 5, and then trial is August of 2026, Your Honor, so  THE COURT: Well, that should not have to move.  MR. CHEN: Yeah.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	especially if you look at Claim 1, I think it's undisputed that 408, 413, and the WDM detect. And so that's the only possible corresponding structure I can see with 413. Sorry, with Claim 13.  Okay. Now, the problem becomes, as I look at the other claims, I can't even come up with a structure. But, again, especially, you know, I'll give you a chance to just brief that question only, the corresponding structure on the remaining claims that claim an optical element.  And I've got to say, from studying the claims, I'm inclined to conclude there is no corresponding structure that I see.  All right. Now, folks probably know, I normally start my Markman hearings at 9:00 for a reason, not 1:00, so we didn't finish.  Now, first of all, does my optical element	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	you suggested.  THE COURT: Okay. All right. And then, so let's talk about what's the best way to proceed, given this.  Where are you in terms of the case, Mr. Chen?  MR. CHEN: Your Honor, I don't think the rest of the case schedule is going to be feasible given what we have coming up.  So we are supposed to have a narrowing of claims 21 days after a Markman order. We've got close of fact discovery October 8. That's coming up quickly. Expert reports are supposed to be November 5, and then trial is August of 2026, Your Honor, so  THE COURT: Well, that should not have to move.  MR. CHEN: Yeah.  THE COURT: Now, hold on. Let's look at the
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	especially if you look at Claim 1, I think it's undisputed that 408, 413, and the WDM detect. And so that's the only possible corresponding structure I can see with 413. Sorry, with Claim 13.  Okay. Now, the problem becomes, as I look at the other claims, I can't even come up with a structure. But, again, especially, you know, I'll give you a chance to just brief that question only, the corresponding structure on the remaining claims that claim an optical element.  And I've got to say, from studying the claims, I'm inclined to conclude there is no corresponding structure that I see.  All right. Now, folks probably know, I normally start my Markman hearings at 9:00 for a reason, not 1:00, so we didn't finish.  Now, first of all, does my optical element ruling that it's means-plus-function, how does that	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	you suggested.  THE COURT: Okay. All right. And then, so let's talk about what's the best way to proceed, given this.  Where are you in terms of the case, Mr. Chen?  MR. CHEN: Your Honor, I don't think the rest of the case schedule is going to be feasible given what we have coming up.  So we are supposed to have a narrowing of claims 21 days after a Markman order. We've got close of fact discovery October 8. That's coming up quickly. Expert reports are supposed to be November 5, and then trial is August of 2026, Your Honor, so  THE COURT: Well, that should not have to move.  MR. CHEN: Yeah.  THE COURT: Now, hold on. Let's look at the calendar.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	especially if you look at Claim 1, I think it's undisputed that 408, 413, and the WDM detect. And so that's the only possible corresponding structure I can see with 413. Sorry, with Claim 13.  Okay. Now, the problem becomes, as I look at the other claims, I can't even come up with a structure. But, again, especially, you know, I'll give you a chance to just brief that question only, the corresponding structure on the remaining claims that claim an optical element.  And I've got to say, from studying the claims, I'm inclined to conclude there is no corresponding structure that I see.  All right. Now, folks probably know, I normally start my Markman hearings at 9:00 for a reason, not 1:00, so we didn't finish.  Now, first of all, does my optical element ruling that it's means-plus-function, how does that affect some of the other disputed claim terms?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	THE COURT: Okay. All right. And then, so let's talk about what's the best way to proceed, given this.  Where are you in terms of the case, Mr. Chen?  MR. CHEN: Your Honor, I don't think the rest of the case schedule is going to be feasible given what we have coming up.  So we are supposed to have a narrowing of claims 21 days after a Markman order. We've got close of fact discovery October 8. That's coming up quickly. Expert reports are supposed to be November 5, and then trial is August of 2026, Your Honor, so  THE COURT: Well, that should not have to move.  MR. CHEN: Yeah.  THE COURT: Now, hold on. Let's look at the calendar.  You all can sit. Thank you, though.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	especially if you look at Claim 1, I think it's undisputed that 408, 413, and the WDM detect. And so that's the only possible corresponding structure I can see with 413. Sorry, with Claim 13.  Okay. Now, the problem becomes, as I look at the other claims, I can't even come up with a structure. But, again, especially, you know, I'll give you a chance to just brief that question only, the corresponding structure on the remaining claims that claim an optical element.  And I've got to say, from studying the claims, I'm inclined to conclude there is no corresponding structure that I see.  All right. Now, folks probably know, I normally start my Markman hearings at 9:00 for a reason, not 1:00, so we didn't finish.  Now, first of all, does my optical element ruling that it's means-plus-function, how does that affect some of the other disputed claim terms?  MR. KHAN: Your Honor, on the other disputed	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	THE COURT: Okay. All right. And then, so let's talk about what's the best way to proceed, given this.  Where are you in terms of the case, Mr. Chen?  MR. CHEN: Your Honor, I don't think the rest of the case schedule is going to be feasible given what we have coming up.  So we are supposed to have a narrowing of claims 21 days after a Markman order. We've got close of fact discovery October 8. That's coming up quickly. Expert reports are supposed to be November 5, and then trial is August of 2026, Your Honor, so  THE COURT: Well, that should not have to move.  MR. CHEN: Yeah.  THE COURT: Now, hold on. Let's look at the calendar.  You all can sit. Thank you, though. All right. What about September 17, can we
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	especially if you look at Claim 1, I think it's undisputed that 408, 413, and the WDM detect. And so that's the only possible corresponding structure I can see with 413. Sorry, with Claim 13.  Okay. Now, the problem becomes, as I look at the other claims, I can't even come up with a structure. But, again, especially, you know, I'll give you a chance to just brief that question only, the corresponding structure on the remaining claims that claim an optical element.  And I've got to say, from studying the claims, I'm inclined to conclude there is no corresponding structure that I see.  All right. Now, folks probably know, I normally start my Markman hearings at 9:00 for a reason, not 1:00, so we didn't finish.  Now, first of all, does my optical element ruling that it's means-plus-function, how does that affect some of the other disputed claim terms?  MR. KHAN: Your Honor, on the other disputed claim terms, so we're just going to have to take it claim	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	THE COURT: Okay. All right. And then, so let's talk about what's the best way to proceed, given this.  Where are you in terms of the case, Mr. Chen?  MR. CHEN: Your Honor, I don't think the rest of the case schedule is going to be feasible given what we have coming up.  So we are supposed to have a narrowing of claims 21 days after a Markman order. We've got close of fact discovery October 8. That's coming up quickly. Expert reports are supposed to be November 5, and then trial is August of 2026, Your Honor, so  THE COURT: Well, that should not have to move.  MR. CHEN: Yeah.  THE COURT: Now, hold on. Let's look at the calendar.  You all can sit. Thank you, though.  All right. What about September 17, can we pick up then, and then hopefully dispense with
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	especially if you look at Claim 1, I think it's undisputed that 408, 413, and the WDM detect. And so that's the only possible corresponding structure I can see with 413. Sorry, with Claim 13.  Okay. Now, the problem becomes, as I look at the other claims, I can't even come up with a structure. But, again, especially, you know, I'll give you a chance to just brief that question only, the corresponding structure on the remaining claims that claim an optical element.  And I've got to say, from studying the claims, I'm inclined to conclude there is no corresponding structure that I see.  All right. Now, folks probably know, I normally start my Markman hearings at 9:00 for a reason, not 1:00, so we didn't finish.  Now, first of all, does my optical element ruling that it's means-plus-function, how does that affect some of the other disputed claim terms?  MR. KHAN: Your Honor, on the other disputed claim terms, so we're just going to have to take it claim by claim	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	THE COURT: Okay. All right. And then, so let's talk about what's the best way to proceed, given this.  Where are you in terms of the case, Mr. Chen?  MR. CHEN: Your Honor, I don't think the rest of the case schedule is going to be feasible given what we have coming up.  So we are supposed to have a narrowing of claims 21 days after a Markman order. We've got close of fact discovery October 8. That's coming up quickly. Expert reports are supposed to be November 5, and then trial is August of 2026, Your Honor, so  THE COURT: Well, that should not have to move.  MR. CHEN: Yeah.  THE COURT: Now, hold on. Let's look at the calendar.  You all can sit. Thank you, though.  All right. What about September 17, can we pick up then, and then hopefully dispense with everything else?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	especially if you look at Claim 1, I think it's undisputed that 408, 413, and the WDM detect. And so that's the only possible corresponding structure I can see with 413. Sorry, with Claim 13.  Okay. Now, the problem becomes, as I look at the other claims, I can't even come up with a structure. But, again, especially, you know, I'll give you a chance to just brief that question only, the corresponding structure on the remaining claims that claim an optical element.  And I've got to say, from studying the claims, I'm inclined to conclude there is no corresponding structure that I see.  All right. Now, folks probably know, I normally start my Markman hearings at 9:00 for a reason, not 1:00, so we didn't finish.  Now, first of all, does my optical element ruling that it's means-plus-function, how does that affect some of the other disputed claim terms?  MR. KHAN: Your Honor, on the other disputed claim terms, so we're just going to have to take it claim by claim  THE COURT: We are.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	THE COURT: Okay. All right. And then, so let's talk about what's the best way to proceed, given this.  Where are you in terms of the case, Mr. Chen?  MR. CHEN: Your Honor, I don't think the rest of the case schedule is going to be feasible given what we have coming up.  So we are supposed to have a narrowing of claims 21 days after a Markman order. We've got close of fact discovery October 8. That's coming up quickly. Expert reports are supposed to be November 5, and then trial is August of 2026, Your Honor, so  THE COURT: Well, that should not have to move.  MR. CHEN: Yeah.  THE COURT: Now, hold on. Let's look at the calendar.  You all can sit. Thank you, though.  All right. What about September 17, can we pick up then, and then hopefully dispense with everything else?  MR. CHEN: You mean for the claim
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	especially if you look at Claim 1, I think it's undisputed that 408, 413, and the WDM detect. And so that's the only possible corresponding structure I can see with 413. Sorry, with Claim 13.  Okay. Now, the problem becomes, as I look at the other claims, I can't even come up with a structure. But, again, especially, you know, I'll give you a chance to just brief that question only, the corresponding structure on the remaining claims that claim an optical element.  And I've got to say, from studying the claims, I'm inclined to conclude there is no corresponding structure that I see.  All right. Now, folks probably know, I normally start my Markman hearings at 9:00 for a reason, not 1:00, so we didn't finish.  Now, first of all, does my optical element ruling that it's means-plus-function, how does that affect some of the other disputed claim terms?  MR. KHAN: Your Honor, on the other disputed claim terms, so we're just going to have to take it claim by claim	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	THE COURT: Okay. All right. And then, so let's talk about what's the best way to proceed, given this.  Where are you in terms of the case, Mr. Chen?  MR. CHEN: Your Honor, I don't think the rest of the case schedule is going to be feasible given what we have coming up.  So we are supposed to have a narrowing of claims 21 days after a Markman order. We've got close of fact discovery October 8. That's coming up quickly. Expert reports are supposed to be November 5, and then trial is August of 2026, Your Honor, so  THE COURT: Well, that should not have to move.  MR. CHEN: Yeah.  THE COURT: Now, hold on. Let's look at the calendar.  You all can sit. Thank you, though.  All right. What about September 17, can we pick up then, and then hopefully dispense with everything else?

	Case 1:24-cv-00945-CFC-EGT		192-1 13478	Filed 10/24/25	Page 47 of 50 PageID
1	you can brief this stuff beforehand, and I can have	e the	1	THE COURT:	All right. All right. Mr. Khan,
2	benefit of looking at what you wrote.		2	can you do the 17th?	
3	MR. CHEN: I'm supposed to take my parer	nts,	3	MR. KHAN:	Yes, Your Honor, that will work.
4	who are in their late 70s, to Hawaii, Your Honor.		4	THE COURT:	All right. Let's do the 17th,
5	THE COURT: Oh, okay. Well, that's a go	ood	5	9:00 a.m.	
6	thing. We don't do that. Won't risk all that.		6	Okay. Now,	the briefing, I'll leave it up to
7	Where are you from?		7	you. You know, I thir	ak the sooner, the better. I could
8	MR. CHEN: California. And I've got a	ury	8	have more time to look	k at it.
9	trial coming up between September 5th and the 11th	here	9	But remembe	er, you can have experts at these
10	in Delaware, Your Honor, before Judge Hall, the Net	gear	10	hearings, and I somet	imes wonder why folks don't.
11	case.		11	But nobody	's stopping you from having experts
12	THE COURT: Where are you from, Mr. Khar	1?	12	if you thought it was	important. And what I would say
13	MR. KHAN: New York, Your Honor.		13	about that is, especia	ally have them ready, so that if I
14	THE COURT: All right. When are you tak	ing	14	all of the sudden say,	, gee, I really could benefit from
15	them to Hawaii? I mean, when do you get back?		15	an expert, you know,	it's there.
16	MR. CHEN: It would be the it's a sho	ort	16	So I'm not	saying you need to bring your
17	trip. It's the 7th oh, actually, I'm sorry, You	ır	17	experts, but I'm just	saying if you thought it was
18	Honor. The 17th. The 17th would work, Your Honor.		18	advantageous to do it	
19	taking them the following week, the 24th. The 17th	would	19	Actually, v	we haven't had any depositions,
20	work.		20	though, of experts, ri	.ght?
21	THE COURT: Just think about that, you'll	. have	21		We have not.
22	that off your shoulders. It'll be incredible.		22		Correct, Your Honor.
23	Which island are you going to?		23		Okay. But, and as I say, I'm not
24	MR. CHEN: We're going to go to the big		24		erts, right? But okay. Then we'll
25	island.		25	continue on the 9th, 1	out I've already ruled about
		183			184
1 2	"optical element" is means-plus-function.  Corresponding structure for Claim 13 is		1 2	just says detects sca	184 Right. But, Your Honor, the claim stered light. It doesn't say
2	Corresponding structure for Claim 13 is found in Figures 408 and 413.		2	just says detects scar forward or side.	Right. But, Your Honor, the claim ttered light. It doesn't say
2 3 4	Corresponding structure for Claim 13 is found in Figures 408 and 413.  If anybody can find what happened to		2 3 4	just says detects scar forward or side. And so I th	Right. But, Your Honor, the claim tered light. It doesn't say
2 3 4 5	Corresponding structure for Claim 13 is found in Figures 408 and 413.  If anybody can find what happened to Number 45, let me know, in Figure 37.		2 3 4 5	just says detects scar forward or side.  And so I the second seco	Right. But, Your Honor, the claim stered light. It doesn't say wink the correct way to think about be either 408 or 413, because both
2 3 4 5	Corresponding structure for Claim 13 is found in Figures 408 and 413.  If anybody can find what happened to Number 45, let me know, in Figure 37.  Yes?	to be	2 3 4 5 6	just says detects scar forward or side.  And so I th 408 or would be to of them in the axial	Right. But, Your Honor, the claim stered light. It doesn't say wink the correct way to think about be either 408 or 413, because both loss system are described as
2 3 4 5 6 7	Corresponding structure for Claim 13 is found in Figures 408 and 413.  If anybody can find what happened to Number 45, let me know, in Figure 37.  Yes?  MR. KHAN: One clarification, Your Honor	to be	2 3 4 5 6 7	just says detects scar forward or side.  And so I the second seco	Right. But, Your Honor, the claim stered light. It doesn't say wink the correct way to think about be either 408 or 413, because both loss system are described as light. So it could be one or both.
2 3 4 5 6 7 8	Corresponding structure for Claim 13 is found in Figures 408 and 413.  If anybody can find what happened to Number 45, let me know, in Figure 37.  Yes?  MR. KHAN: One clarification, Your Honor think the 408 or it would be 408 or 413? Because	to be	2 3 4 5 6 7 8	just says detects scar forward or side.  And so I the solution of them in the axial indetecting scattered limit to be	Right. But, Your Honor, the claim stered light. It doesn't say wink the correct way to think about be either 408 or 413, because both loss system are described as light. So it could be one or both. both.
2 3 4 5 6 7 8	Corresponding structure for Claim 13 is found in Figures 408 and 413.  If anybody can find what happened to Number 45, let me know, in Figure 37.  Yes?  MR. KHAN: One clarification, Your Honor think the 408 or it would be 408 or 413? Because would be alternative structures, each of them recit	to be  I ge it ing a	2 3 4 5 6 7 8	just says detects scar forward or side.  And so I th 408 or would be to of them in the axial detecting scattered 1: It doesn't have to be	Right. But, Your Honor, the claim stered light. It doesn't say wink the correct way to think about be either 408 or 413, because both loss system are described as light. So it could be one or both. both.  Oh, I see.
2 3 4 5 6 7 8 9	Corresponding structure for Claim 13 is found in Figures 408 and 413.  If anybody can find what happened to Number 45, let me know, in Figure 37.  Yes?  MR. KHAN: One clarification, Your Honor think the 408 or it would be 408 or 413? Because would be alternative structures, each of them recit curved mirror or optical element that would perform	to be  I ge it ing a	2 3 4 5 6 7 8	just says detects scar forward or side.  And so I th 408 or would be to of them in the axial detecting scattered I: It doesn't have to be THE COURT: Yeah, well	Right. But, Your Honor, the claim stered light. It doesn't say wink the correct way to think about be either 408 or 413, because both closs system are described as light. So it could be one or both. both.  Oh, I see.
2 3 4 5 6 7 8 9 10	Corresponding structure for Claim 13 is found in Figures 408 and 413.  If anybody can find what happened to Number 45, let me know, in Figure 37.  Yes?  MR. KHAN: One clarification, Your Honor think the 408 or it would be 408 or 413? Because would be alternative structures, each of them recit curved mirror or optical element that would perform detection function, but I don't know if that's the	to be  I ge it ing a	2 3 4 5 6 7 8 9 10	just says detects scar forward or side.  And so I the second seco	Right. But, Your Honor, the claim stered light. It doesn't say wink the correct way to think about be either 408 or 413, because both loss system are described as light. So it could be one or both. both.  Oh, I see.
2 3 4 5 6 7 8 9	Corresponding structure for Claim 13 is found in Figures 408 and 413.  If anybody can find what happened to Number 45, let me know, in Figure 37.  Yes?  MR. KHAN: One clarification, Your Honor think the 408 or it would be 408 or 413? Because would be alternative structures, each of them recit curved mirror or optical element that would perform detection function, but I don't know if that's the the Court	to be  I ge it ing a	2 3 4 5 6 7 8 9	just says detects scar forward or side.  And so I th 408 or would be to of them in the axial detecting scattered 1:  It doesn't have to be  THE COURT:  Yeah, well,  MR. KHAN:  what I'm saying.	Right. But, Your Honor, the claim stered light. It doesn't say wink the correct way to think about be either 408 or 413, because both loss system are described as light. So it could be one or both. both.  Oh, I see.  Actually  It could be either one is kind of
2 3 4 5 6 7 8 9 10 11	Corresponding structure for Claim 13 is found in Figures 408 and 413.  If anybody can find what happened to Number 45, let me know, in Figure 37.  Yes?  MR. KHAN: One clarification, Your Honor think the 408 or it would be 408 or 413? Because would be alternative structures, each of them recit curved mirror or optical element that would perform detection function, but I don't know if that's the	to be  I ge it ing a	2 3 4 5 6 7 8 9 10 11 12	just says detects scar forward or side.  And so I the solution of them in the axial detecting scattered in the court:  Yeah, well, MR. KHAN:  what I'm saying.  THE COURT:	Right. But, Your Honor, the claim stered light. It doesn't say wink the correct way to think about be either 408 or 413, because both closs system are described as light. So it could be one or both. both.  Oh, I see.
2 3 4 5 6 7 8 9 10 11 12 13	Corresponding structure for Claim 13 is found in Figures 408 and 413.  If anybody can find what happened to Number 45, let me know, in Figure 37.  Yes?  MR. KHAN: One clarification, Your Honor think the 408 or it would be 408 or 413? Because would be alternative structures, each of them recit curved mirror or optical element that would perform detection function, but I don't know if that's the the Court  (Reporter clarification.)  THE COURT: Hold on.	to be  I se it ing a a a way	2 3 4 5 6 7 8 9 10 11 12 13	just says detects scar forward or side.  And so I th  408 or would be to of them in the axial i detecting scattered 1: It doesn't have to be  THE COURT: Yeah, well, MR. KHAN: what I'm saying.  THE COURT: MR. CHEN:	Right. But, Your Honor, the claim stered light. It doesn't say  which the correct way to think about be either 408 or 413, because both closs system are described as light. So it could be one or both. both.  Oh, I see.  A actually  It could be either one is kind of  What do you think?  I think it has to be both. The
2 3 4 5 6 7 8 9 10 11 12 13	Corresponding structure for Claim 13 is found in Figures 408 and 413.  If anybody can find what happened to Number 45, let me know, in Figure 37.  Yes?  MR. KHAN: One clarification, Your Honor think the 408 or it would be 408 or 413? Because would be alternative structures, each of them recit curved mirror or optical element that would perform detection function, but I don't know if that's the the Court  (Reporter clarification.)	to be  I fee it fing a fina way	2 3 4 5 6 7 8 9 10 11 12 13	just says detects scar forward or side.  And so I th  408 or would be to of them in the axial i detecting scattered 1: It doesn't have to be  THE COURT: Yeah, well, MR. KHAN: what I'm saying.  THE COURT: MR. CHEN:	Right. But, Your Honor, the claim stered light. It doesn't say  whink the correct way to think about be either 408 or 413, because both closs system are described as light. So it could be one or both. both.  Oh, I see.  actually  It could be either one is kind of  What do you think?  I think it has to be both. The
2 3 4 5 6 7 8 9 10 11 12 13 14	Corresponding structure for Claim 13 is found in Figures 408 and 413.  If anybody can find what happened to Number 45, let me know, in Figure 37.  Yes?  MR. KHAN: One clarification, Your Honor think the 408 or it would be 408 or 413? Because would be alternative structures, each of them recit curved mirror or optical element that would perform detection function, but I don't know if that's the the Court  (Reporter clarification.)  THE COURT: Hold on.  MR. KHAN: I didn't understand I just	to be  I fee it fing a fina way	2 3 4 5 6 7 8 9 10 11 12 13 14	just says detects scar forward or side.  And so I th  408 or would be to of them in the axial detecting scattered 1: It doesn't have to be THE COURT: Yeah, well, MR. KHAN: what I'm saying. THE COURT: MR. CHEN: embodiment talks about scattered light and si	Right. But, Your Honor, the claim stered light. It doesn't say  whink the correct way to think about be either 408 or 413, because both closs system are described as light. So it could be one or both. both.  Oh, I see.  actually  It could be either one is kind of  What do you think?  I think it has to be both. The could. It collects both, forward
2 3 4 5 6 7 8 9 10 11 12 13 14 15	Corresponding structure for Claim 13 is found in Figures 408 and 413.  If anybody can find what happened to Number 45, let me know, in Figure 37.  Yes?  MR. KHAN: One clarification, Your Honor think the 408 or it would be 408 or 413? Because would be alternative structures, each of them recit curved mirror or optical element that would perform detection function, but I don't know if that's the the Court  (Reporter clarification.)  THE COURT: Hold on.  MR. KHAN: I didn't understand I just wanted to clarify how, Judge, you were ruling on the	to be  I se it ing a way way	2 3 4 5 6 7 8 9 10 11 12 13 14 15	just says detects scar forward or side.  And so I th  408 or would be to of them in the axial detecting scattered 1: It doesn't have to be THE COURT: Yeah, well, MR. KHAN: what I'm saying. THE COURT: MR. CHEN: embodiment talks about scattered light and si	Right. But, Your Honor, the claim stered light. It doesn't say wink the correct way to think about be either 408 or 413, because both loss system are described as light. So it could be one or both. both.  Oh, I see.  Actually  It could be either one is kind of What do you think?  I think it has to be both. The both. It collects both, forward de scattered light.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	Corresponding structure for Claim 13 is found in Figures 408 and 413.  If anybody can find what happened to Number 45, let me know, in Figure 37.  Yes?  MR. KHAN: One clarification, Your Honor think the 408 or it would be 408 or 413? Because would be alternative structures, each of them recit curved mirror or optical element that would perform detection function, but I don't know if that's the the Court  (Reporter clarification.)  THE COURT: Hold on.  MR. KHAN: I didn't understand I just wanted to clarify how, Judge, you were ruling on the THE COURT: That's a good question.	to be  I get it ing a laway way way way way wax	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	just says detects scar forward or side.  And so I th  408 or would be to of them in the axial i detecting scattered 1: It doesn't have to be  THE COURT: Yeah, well, MR. KHAN: what I'm saying.  THE COURT: MR. CHEN: embodiment talks about scattered light and si MR. KHAN: one is detecting	Right. But, Your Honor, the claim stered light. It doesn't say wink the correct way to think about be either 408 or 413, because both loss system are described as light. So it could be one or both. both.  Oh, I see.  Actually  It could be either one is kind of What do you think?  I think it has to be both. The both. It collects both, forward de scattered light.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	Corresponding structure for Claim 13 is found in Figures 408 and 413.  If anybody can find what happened to Number 45, let me know, in Figure 37.  Yes?  MR. KHAN: One clarification, Your Honor think the 408 or it would be 408 or 413? Because would be alternative structures, each of them recit curved mirror or optical element that would perform detection function, but I don't know if that's the the Court  (Reporter clarification.)  THE COURT: Hold on.  MR. KHAN: I didn't understand I just wanted to clarify how, Judge, you were ruling on the THE COURT: That's a good question.  MR. CHEN: Your Honor, one of them performance in the court of them performance in the court of the court.	to be  I get it ing a laway way way way way wax	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	just says detects scar forward or side.  And so I th  408 or would be to of them in the axial: detecting scattered 1: It doesn't have to be  THE COURT: Yeah, well, MR. KHAN: what I'm saying.  THE COURT: MR. CHEN: embodiment talks about scattered light and si MR. KHAN: one is detecting THE COURT:	Right. But, Your Honor, the claim stered light. It doesn't say  whink the correct way to think about be either 408 or 413, because both closs system are described as light. So it could be one or both. both.  Oh, I see.  Actually  It could be either one is kind of  What do you think?  I think it has to be both. The both. It collects both, forward de scattered light.  They're both scattered light. And
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Corresponding structure for Claim 13 is found in Figures 408 and 413.  If anybody can find what happened to Number 45, let me know, in Figure 37.  Yes?  MR. KHAN: One clarification, Your Honor think the 408 or it would be 408 or 413? Because would be alternative structures, each of them recit curved mirror or optical element that would perform detection function, but I don't know if that's the the Court  (Reporter clarification.)  THE COURT: Hold on.  MR. KHAN: I didn't understand I just wanted to clarify how, Judge, you were ruling on the THE COURT: That's a good question.  MR. CHEN: Your Honor, one of them performs a forward scatter detection, the other one performs as	to be  I like it ling a line a line way line a	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	just says detects scar forward or side.  And so I th  408 or would be to of them in the axial: detecting scattered 1: It doesn't have to be  THE COURT: Yeah, well, MR. KHAN: what I'm saying.  THE COURT: MR. CHEN: embodiment talks about scattered light and si MR. KHAN: one is detecting THE COURT:	Right. But, Your Honor, the claim stered light. It doesn't say wink the correct way to think about be either 408 or 413, because both loss system are described as light. So it could be one or both. both.  Oh, I see.  Actually  It could be either one is kind of What do you think?  I think it has to be both. The both. It collects both, forward de scattered light.  They're both scattered light. And All right. You know what? I'll address that September 17th.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Corresponding structure for Claim 13 is found in Figures 408 and 413.  If anybody can find what happened to Number 45, let me know, in Figure 37.  Yes?  MR. KHAN: One clarification, Your Honor think the 408 or it would be 408 or 413? Because would be alternative structures, each of them recit curved mirror or optical element that would perform detection function, but I don't know if that's the the Court  (Reporter clarification.)  THE COURT: Hold on.  MR. KHAN: I didn't understand I just wanted to clarify how, Judge, you were ruling on the THE COURT: That's a good question.  MR. CHEN: Your Honor, one of them performed scatter detection, the other one performs a scatter detection.	to be  I get it ing a a way way way way wat.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	just says detects scar forward or side.  And so I th  408 or would be to of them in the axial detecting scattered I: It doesn't have to be  THE COURT: Yeah, well, MR. KHAN: what I'm saying.  THE COURT: MR. CHEN: embodiment talks about scattered light and si MR. KHAN: one is detecting THE COURT: tell you what, we can MR. KHAN:	Right. But, Your Honor, the claim stered light. It doesn't say wink the correct way to think about be either 408 or 413, because both loss system are described as light. So it could be one or both. both.  Oh, I see.  Actually  It could be either one is kind of What do you think?  I think it has to be both. The both. It collects both, forward de scattered light.  They're both scattered light. And All right. You know what? I'll address that September 17th.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Corresponding structure for Claim 13 is found in Figures 408 and 413.  If anybody can find what happened to Number 45, let me know, in Figure 37.  Yes?  MR. KHAN: One clarification, Your Honor think the 408 or it would be 408 or 413? Because would be alternative structures, each of them recit curved mirror or optical element that would perform detection function, but I don't know if that's the the Court  (Reporter clarification.)  THE COURT: Hold on.  MR. KHAN: I didn't understand I just wanted to clarify how, Judge, you were ruling on the THE COURT: That's a good question.  MR. CHEN: Your Honor, one of them performs a scatter detection.  THE COURT: And those, I think it's undiscrete.	to be  I get it ing a a way way way way wat.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	just says detects scar forward or side.  And so I th  408 or would be to of them in the axial i detecting scattered I: It doesn't have to be  THE COURT: Yeah, well, MR. KHAN: what I'm saying.  THE COURT: embodiment talks about scattered light and si MR. KHAN: one is detecting THE COURT: tell you what, we can MR. KHAN: THE COURT:	Right. But, Your Honor, the claim stered light. It doesn't say  whink the correct way to think about be either 408 or 413, because both closs system are described as light. So it could be one or both. both.  Oh, I see.  Actually  It could be either one is kind of  What do you think?  I think it has to be both. The both. It collects both, forward de scattered light.  They're both scattered light. And  All right. You know what? I'll address that September 17th.  Okay.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Corresponding structure for Claim 13 is found in Figures 408 and 413.  If anybody can find what happened to Number 45, let me know, in Figure 37.  Yes?  MR. KHAN: One clarification, Your Honor think the 408 or — it would be 408 or 413? Because would be alternative structures, each of them recit curved mirror or optical element that would perform detection function, but I don't know if that's the the Court  (Reporter clarification.)  THE COURT: Hold on.  MR. KHAN: I didn't understand — I just wanted to clarify how, Judge, you were ruling on the THE COURT: That's a good question.  MR. CHEN: Your Honor, one of them performs a scatter detection.  THE COURT: And those, I think it's undistination that they're the only two types of detection that e	to be  I get it ing a a way way way way wat.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	just says detects scale forward or side.  And so I the 408 or would be to of them in the axial detecting scattered in It doesn't have to be THE COURT: Yeah, well, MR. KHAN: what I'm saying. THE COURT: embodiment talks about scattered light and simple court and side the court are the court: tell you what, we can MR. KHAN: THE COURT: this. What I'm going	Right. But, Your Honor, the claim stered light. It doesn't say  whink the correct way to think about be either 408 or 413, because both loss system are described as light. So it could be one or both.  both.  Oh, I see.  actually  It could be either one is kind of  What do you think?  I think it has to be both. The both. It collects both, forward de scattered light.  They're both scattered light. And  All right. You know what? I'll address that September 17th.  Okay.  So, I mean, what I would say is

	Case 1:24-cv-00945-CFC-EGT Documer	nt 192-1 13479	Filed 10/24/25 Page 48 of 50 PageID
1	But I'll look at the law too. You know,	1	date. You want to pick it now, let's pick a date, and
2	that's what I'm saying.	2	we'll pick a time.
3	So you can brief that. You've got	3	By the way, I mean, I think one thing for
4	supplemental briefing. If you want to	4	Like is Claim 13 no longer indefinite because
5	I told you to discuss the corresponding	5	now that there is structure?
6	structure, so if you want, you can discuss, only with	6	MR. CHEN: I think it's indefinite, Your
7	respect to Claim 13, whether it's one or both. That's	7	Honor.
8	it. Nothing else. It's going to be one or both.	8	THE COURT: Oh, you still think it's
9	MR. CHEN: Understood, Your Honor.	9	indefinite?
10	THE COURT: It's going to be	10	MR. CHEN: That is our position is that we
11	MR. CHEN: Either or both.	11	think it's indefinite, Your Honor. Can we brief that
12	THE COURT: It's going to be either or both.	12	further?
13	MR. KHAN: Yes.	13	THE COURT: Well, no, but what I wanted to
14	THE COURT: Thank you.	14	talk
15	MR. CHEN: Understood, Your Honor. Thank you.	15	MR. CHEN: Because it's not an optical
16	MR. KHAN: And on the briefing, Your Honor,	16	element. A detector is not an optical element.
17	given that these are their terms, we think we should have	17	MR. KHAN: I think, Your Honor, the basis for
18	the opportunity to respond.	18	their argument that it was those detectors was that they
19	Would it make sense to have them go first,	19	had optical elements in them, they had mirrors and things
20	and then us to respond, and we can make a joint	20	like that, and so I think it wouldn't be indefinite,
21	submission to you together?	21	but
22	THE COURT: No.	22	THE COURT: I mean, my question would be is,
23	MR. KHAN: Okay.	23	on whether it's indefinite is who cares what it's called?
24	THE COURT: I want simultaneous. Then you've	24	If it's a nonce word, and it's means-plus-functioning,
25	really got to decide what you're going to do. So pick a	25	means-plus-function claiming, they could have called it a
	187		188
1	zebra. I mean, they could have said it's a zebra	1	MR. CHEN: I understand what you are saying,
2	configured to do this and this, and you seem to be okay	2	Your Honor.
3	with now that the functions are undisputed, and $\ensuremath{I}$ agreed	3	THE COURT: You think about it, but I don't
4	with you that if I'm interpreting it this way,	4	know how you could pursue an indefiniteness claim if ${\tt I'm}$
5	means-plus-function, it's detection and the only	5	going to construe this means-plus-functioning and limit
6	structure that corresponds is 408 and/or 413, that part,	6	the function to the 408 and 413.
7	and/or, to be decided.	7	MR. CHEN: For that particular element.
8	I'm like why isn't it indefinite anymore?	8	There's other elements with different functions
9	Now, the other claims, you might be right.	9	THE COURT: That's a different story. In
10	MR. CHEN: Because one of ordinary skill in	10	fact, like I said, I actually have already volunteered,
11	the art looking at the term "optical element" wouldn't	11	I'm looking at them, and I'm thinking I don't know how
		1	
12	understand that that can perform the function of	12	there's any corresponding structure to some of these
12 13	understand that that can perform the function of detecting	12 13	there's any corresponding structure to some of these other ones.
	•		
13	detecting	13	other ones.
13 14	detecting  THE COURT: I thought that's the whole part	13 14	other ones.  MR. CHEN: Right. Understood.
13 14 15	detecting  THE COURT: I thought that's the whole part  MR. CHEN: and that's that's the	13 14 15	other ones.  MR. CHEN: Right. Understood.  THE COURT: So that's where it's fair, I
13 14 15 16	detecting  THE COURT: I thought that's the whole part  MR. CHEN: and that's that's the  confusion.	13 14 15 16	other ones.  MR. CHEN: Right. Understood.  THE COURT: So that's where it's fair, I think, for you to say indefiniteness could still be
13 14 15 16 17	detecting  THE COURT: I thought that's the whole part  MR. CHEN: and that's that's the  confusion.  THE COURT: I thought the whole point of	13 14 15 16	other ones.  MR. CHEN: Right. Understood.  THE COURT: So that's where it's fair, I think, for you to say indefiniteness could still be pursued.
13 14 15 16 17	detecting  THE COURT: I thought that's the whole part  MR. CHEN: and that's that's the  confusion.  THE COURT: I thought the whole point of  functional claiming is that that they're allowed to claim	13 14 15 16 17 18	other ones.  MR. CHEN: Right. Understood.  THE COURT: So that's where it's fair, I think, for you to say indefiniteness could still be pursued.  MR. CHEN: Understood.
13 14 15 16 17 18 19	detecting  THE COURT: I thought that's the whole part  MR. CHEN: and that's that's the  confusion.  THE COURT: I thought the whole point of  functional claiming is that that they're allowed to claim  functionally, and I think, like, it seems to me, at that	13 14 15 16 17 18 19	other ones.  MR. CHEN: Right. Understood.  THE COURT: So that's where it's fair, I think, for you to say indefiniteness could still be pursued.  MR. CHEN: Understood.  On the briefing, Your Honor.
13 14 15 16 17 18 19	detecting  THE COURT: I thought that's the whole part  MR. CHEN: and that's that's the  confusion.  THE COURT: I thought the whole point of  functional claiming is that that they're allowed to claim  functionally, and I think, like, it seems to me, at that  stage, for you to prove it indefinite, assuming there's a	13 14 15 16 17 18 19	other ones.  MR. CHEN: Right. Understood.  THE COURT: So that's where it's fair, I think, for you to say indefiniteness could still be pursued.  MR. CHEN: Understood.  On the briefing, Your Honor.  THE COURT: Yeah, dates.
13 14 15 16 17 18 19 20 21	THE COURT: I thought that's the whole part MR. CHEN: and that's that's the  confusion.  THE COURT: I thought the whole point of  functional claiming is that that they're allowed to claim  functionally, and I think, like, it seems to me, at that  stage, for you to prove it indefinite, assuming there's a  corresponding structure, you'd have to say it's	13 14 15 16 17 18 19 20 21	other ones.  MR. CHEN: Right. Understood.  THE COURT: So that's where it's fair, I think, for you to say indefiniteness could still be pursued.  MR. CHEN: Understood.  On the briefing, Your Honor.  THE COURT: Yeah, dates.  MR. CHEN: The dates. And then also you had
13 14 15 16 17 18 19 20 21 22	THE COURT: I thought that's the whole part MR. CHEN: and that's that's the  confusion.  THE COURT: I thought the whole point of functional claiming is that that they're allowed to claim functionally, and I think, like, it seems to me, at that stage, for you to prove it indefinite, assuming there's a corresponding structure, you'd have to say it's impossible.	13 14 15 16 17 18 19 20 21 22	other ones.  MR. CHEN: Right. Understood.  THE COURT: So that's where it's fair, I think, for you to say indefiniteness could still be pursued.  MR. CHEN: Understood.  On the briefing, Your Honor.  THE COURT: Yeah, dates.  MR. CHEN: The dates. And then also you had mentioned early summary judgment briefing on the issue of
13 14 15 16 17 18 19 20 21 22 23	THE COURT: I thought that's the whole part MR. CHEN: and that's that's the  confusion.  THE COURT: I thought the whole point of functional claiming is that that they're allowed to claim functionally, and I think, like, it seems to me, at that stage, for you to prove it indefinite, assuming there's a corresponding structure, you'd have to say it's impossible.  See, I mean, it seems to me that if you want	13 14 15 16 17 18 19 20 21 22 23	other ones.  MR. CHEN: Right. Understood.  THE COURT: So that's where it's fair, I think, for you to say indefiniteness could still be pursued.  MR. CHEN: Understood.  On the briefing, Your Honor.  THE COURT: Yeah, dates.  MR. CHEN: The dates. And then also you had mentioned early summary judgment briefing on the issue of indefiniteness

	Case 1:24-cv-00945-CFC-EGT Document #:	192-1 13480	Filed 10/24/25 Page 49 of 50 PageID
1	MR. CHEN: Okay.	1	THE COURT: Yeah. Does that work for you?
2	THE COURT: with these claims. I mean,	2	MR. KHAN: Yes, Your Honor. That works fine.
3	pretty much, I think what's going to happen at this	3	THE COURT: Okay. All right. Get it in.
4	hearing on September 17 is for the remaining claims for	4	MR. CHEN: Page limit, Your Honor?
5	"optical element," if we don't come up with a structure	5	THE COURT: Yeah, I mean, look, Ms. Upton
6	that's corresponding, don't I then say it's indefinite?	6	clerked for me. She'll tell you, if it's long, you know.
7	MR. CHEN: Yes.	7	Look at the way I write my opinions. If you've got to
8	THE COURT: Isn't that what happens?	8	say so much, it's kind of shame on you. And you lose
9	MR. KHAN: We think there is going to be a	9	stuff. I lost stuff with this briefing, in fairness. I
10	corresponding structure.	10	mean it's a good briefing, actually, but, I mean, I lost
11	THE COURT: I know you do. But, I mean	11	stuff. I lost your
12	MR. KHAN: Right.	12	You know, I was on Page 56 because I am
13	THE COURT: in fairness, if I don't, if I	13	looking at 70. You repeat yourself a lot, it's
14	say I don't see that there's a corresponding structure	14	whatever. Short is better. So, I mean, the great
15	here, then I think we're on to indefiniteness. I mean, I	15	briefers are short briefers.
16	think it is indefinite at that point, right?	16	So I can set a limit if you want. What do
17	MR. KHAN: If there's no corresponding	17	you think?
18	structure to the means-plus-function term.	18	MR. CHEN: We'll be reasonable. Thank you,
19	THE COURT: It's indefinite.	19	Your Honor.
20	MR. CHEN: It is.	20	MR. KHAN: Yeah, we can work that out, Your
21	THE COURT: Okay. Good. We agree on that.	21	Honor.
22	All right. So briefing, when do you want?	22	THE COURT: Work it out.
23	MR. CHEN: The 10th, Your Honor.	23	MR. KHAN: Yes.
24	THE COURT: The 10th of what?	24	THE COURT: You're better off being short
25	MR. CHEN: September. It's a week before.	25	because, I mean, you are going to hurt yourself if you're
	191		192
1	not.	1	what the briefing is supposed to cover
2	MR. CHEN: Understood.	2	THE COURT: Yeah, that's good. That's fine.
3	MR. KHAN: Understood.	3	Let's be really clear. Go ahead.
4	THE COURT: Okay. All right. Anything else?	4	MR. KHAN: So for Claim 13 of the '443 patent,
5	MR. CHEN: We'll figure out the other dates.	5	whether it's either or both
6	September 17, Your Honor, just because there's the	6	THE COURT: Yep.
7	October 8 fact discovery deadline and expert reports.	7	MR. KHAN: 408 and 413.
8	THE COURT: Right. By the way, is the claim	8	THE COURT: Yep.
9	narrow destruction	9	MR. KHAN: And then for the other optical
10	Destruction? Freudian slip that was very	10	element terms.
11	worthwhile.	11	THE COURT: Yep.
12	Is that moot? Do I have to resolve the	12	MR. KHAN: And each claim, optical element,
13	objections to Judge Tennyson's report?	13	collimating optical element, collecting optical element,
14	MR. CHEN: It's moot.	14	focusing optical element.
15	MR. KHAN: Your Honor, I think	15	THE COURT: You need to identify corresponding
16	THE COURT: We've got the claim narrow anyway.	16	structure.
17	As soon as I'm done, you know	17	MR. KHAN: Corresponding structure.
18	MR. KHAN: I think now it's moot.	18	THE COURT: Right. I think that's right.
19	THE COURT: Okay.	19	I mean, is there anything
20	MR. KHAN: So I think you can Your Honor,	20	And the reason why, to the extent you've
21	you don't have to rule on that.	21	already done that in the briefing, I think you need
22	THE COURT: Okay. Good. I'll enter an order	22	to I'm giving you the opportunity to rethink. You
23	tomorrow saying, hearing from the parties, denied as	23	know now which way I've ruled. I mean, I've said it's
24			means-plus-function. So, you know
	moot.	24	means-prus-runction. 30, you know
25	moot.  MR. KHAN: So, Your Honor, just to be clear on	24	In other words, are there any, were there any

	Case 1:24-cv-00945-CFC-EGT Document	192-1 13481	Filed 10/24/25 Page 50 of 50 PageID
1	other terms that you thought should be	1	THE COURT: Okay. Anything else?
2	means-plus-function that would not be encompassed by	2	MR. CHEN: No, Your Honor. Thank you.
3	optical element?	3	MR. KHAN: That's it. Thank you.
4	MR. CHEN: No, Your Honor.	4	THE COURT: Okay. Thanks, all.
5	THE COURT: Okay. All right. And then	5	(The proceedings concluded at 5:21 p.m.)
6	collimating, that's plain and ordinary. I've construed	6	
7	that.	7	
8	And what else was there?	8	CERTIFICATE OF COURT REPORTER
9	MR. CHEN: First and second.	9	
10	THE COURT: Oh, first and second. Oh, so	10	I hereby certify that the foregoing is a true and
11	first and second, I've construed that with regard to	11	accurate transcript from my stenographic notes in the
L2	filters, but then if there's follow-up, you want to	12	proceeding.
.3	address that?	13	/s/ Bonnie R. Archer
.4	MR. CHEN: Yes, we do.	14	Bonnie R. Archer, RPR, FCRR Official Court Reporter
.5	THE COURT: Okay. So then that's what they're	15	U.S. District Court
.6	saying is	16	
.7	MR. KHAN: That's what I was trying to clarify	17	
.8	is making sure that we understood that there was going to	18	
.9	be clarification on that.	19	
20	THE COURT: Yep. First and second, you just	20	
21	need to address the particulars elements.	21	
22	MR. KHAN: Other than the filters.	22	
23	THE COURT: Right. That should be really,	23	
24	really short.	24	